



**REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE**

# **Record of the Senate**

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JULY 27 TO OCTOBER 14, 1992**

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NO. 1**

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**SECRETARY ANACLETO D. BADOY, JR.**

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## RECORD OF THE SENATE

MONDAY, AUGUST 31, 1992

### RESUMPTION OF THE SESSION

*At 10:12 a.m., the session was resumed, with The Honorable Neptali A. Gonzales, Senate President, presiding.*

**The President.** The session is resumed.

The Secretary will please read the third additional Reference of Business.

### THIRD ADDITIONAL REFERENCE OF BUSINESS

#### MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

**The Secretary.**

11 August 1992

The Honorable  
Senate President Neptali A. Gonzales  
and Members of the Senate  
Executive House, Manila

I have the honor to enclose herewith, a copy each of the Convention on Climate Change and the Convention on Biological Diversity which the Philippines signed on June 12, 1992 during the Earth Summit Conference held at Rio de Janeiro.

One hundred and fifty three (153) countries and the European Economic Community have already affixed their signatures to both conventions, under which they, along with the Philippines, have committed themselves to undertake measures aimed at the protection and conservation of the environment and the Earth's ecological systems for the benefit of present and future generations.

I find it desirable and in the national interest to likewise ratify the said conventions and, accordingly, request the Senate for its concurrence in accordance with the provisions of Article VII, Section 21, of the 1987 Constitution.

May I add that it would be to the best interest and advantage of the Philippines to effect its accession to these conventions as soon as possible as this would place our country among the first beneficiaries of the financial resources and technology transfers that would help us meet our obligations under the said conventions.

I therefore request that the Senate give this matters its most judicious and expeditious consideration.

Very truly yours,

(Sgd.) FIDEL V. RAMOS

### BILLS ON FIRST READING

**The Secretary.** Senate Bill No. 688, entitled

AN ACT VESTING IN JAIL WARDENS THE AUTHORITY TO GRANT PRISONERS TIME ALLOWANCES FOR GOOD CONDUCT, AMENDING FOR THIS PURPOSE ARTICLE NINETY-NINE OF ACT NUMBERED THIRTY-EIGHT HUNDRED AND FIFTEEN, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED.

Introduced by Senator Shahani.

**The President.** Referred to the Committees on Constitutional Amendments, Revision of Codes and Laws; and Justice and Human Rights.

### RESOLUTION

**The Secretary.** Proposed Senate Resolution No. 85, entitled

RESOLUTION CALLING FOR THE DECLARATION OF THE "DECADE OF SHELTER FOR ALL AND URBAN DEVELOPMENT AND SOCIAL HOUSING 1993-2003" AND THE FORMULATION OF A NATIONAL PROGRAM TO IMPLEMENT THE LAWS ON SHELTER AND URBAN DEVELOPMENT AND PROJECTS TO REALIZE THE GOAL OF SHELTER FOR ALL.

Introduced by Senator Lina, Jr.

**The President.** Referred to the Committee on Urban Planning, Housing and Resettlement.

### COMMUNICATIONS

**The Secretary.** Letter from Acting Secretary Ricardo T. Gloria of the Department of Science and Technology, submitting a copy of their position paper on the retention of the Department of Science and Technology (DOST) as a separate department.

**The President.** Referred to the Committee on Civil Service and Government Reorganization.

**The Secretary.** Letter from Acting Secretary Corazon G. De Leon of the Department of Social Welfare and Development, submitting a copy of their position paper on the nonmerging of the Department of Social Welfare and Development with the Department of Health.

**The President.** Referred to the Committee on Civil Service and Government Reorganization.

**The Secretary.** Letter from Director Aurora T. Aquino of the Office of the President furnishing the Senate a certified copy of Executive Order No. 14, dated August 25, 1992, entitled

GRANTING AN ACROSS-THE-BOARD PENSION INCREASE TO ALL SSS ANDEC PENSIONERS AND SUPPLEMENTAL PENSIONS TO SSS PERMANENT PARTIAL DISABILITY PENSIONERS.

**The President.** Referred to the Committee on Labor, Employment and Human Resources Development.

#### COMMITTEE REPORT

**The Secretary.** Committee Report No. 4, submitted by the Committee on Labor, Employment and Human Resources Development on Senate Bill No. 132, introduced by Senator Herrera, entitled

AN ACT AMENDING ARTICLE 287 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, BY PROVIDING FOR RETIREMENT PAY TO QUALIFIED PRIVATE SECTOR EMPLOYEES IN THE ABSENCE OF ANY RETIREMENT PLAN IN THE ESTABLISHMENT,

recommending its approval without amendment.

Sponsor: Senator Herrera

**The President.** To the Calendar for Ordinary Business.

**Senator Romulo.** Mr. President.

**The President.** The Majority Leader is recognized.

#### SPECIAL ORDERS

**Senator Romulo.** I move that we transfer to the Calendar for Special Orders Committee Report No. 4 submitted by the Committee on Labor, Employment and Human Resources on Senate Bill No. 132 as just read by the Secretary.

**The President.** Is there any objection to the said motion? [Silence] The Chair hears none; said motion is hereby approved.

**Senator Romulo.** Mr. President, may I ask the Secretary to read the Business for the Day; and also for the Second Reading of Committee Report No. 3 on Senate Bill No. 508.

**The President.** The Secretary will do so.

#### BUSINESS FOR THE DAY

**The Secretary.** Senate Bill No. 508 (Committee Report No. 3), introduced by Senators Roco, Mercado, Shahani, Biazon, Lina, Jr. and Tañada, entitled

AN ACT REPEALING REPUBLIC ACT NUMBERED ONE THOUSAND SEVEN HUNDRED, AS AMENDED, OTHERWISE KNOWN AS THE ANTI-SUBVERSION ACT.

Sponsors: Senators Lina, Jr., Roco, Mercado, Tañada, Shahani and Biazon

(Assigned for consideration by Special Order on August 27, 1992)

**Senator Romulo.** Mr. President.

**The President.** The Majority Leader is recognized.

#### BILL ON SECOND READING Senate Bill No. 508 — Anti-Subversion Act

**Senator Romulo.** Senate Bill No. 508 is in the Calendar for Special Orders. I now ask that we consider this bill; and for the sponsorship speech, I ask that the Chair recognize the Chairman of the Committee on Constitutional Amendments, Revision of Codes and Laws, Senator Jose Lina.

**The President.** Consideration of Senate Bill No. 508 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

**The Secretary.** Senate Bill No. 508, entitled

AN ACT REPEALING REPUBLIC ACT NUMBERED ONE THOUSAND SEVEN HUNDRED, AS AMENDED, OTHERWISE KNOWN AS THE ANTI-SUBVERSION ACT.

*The following is the whole text of Senate Bill No. 508.*

#### SENATE BILL NO. 508

(In consolidation with Senate Bill Nos. 510 and 587)

Introduced by Senators Roco, Mercado, Shahani, Biazon,  
Lina, Jr. and Tañada

**AN ACT REPEALING REPUBLIC ACT NUMBERED  
ONE THOUSAND SEVEN HUNDRED, AS  
AMENDED, OTHERWISE KNOWN AS THE  
ANTI-SUBVERSION ACT**

*Be it enacted by the Senate and the House of Representatives of  
the Philippines in Congress assembled:*

SECTION 1. Republic Act Numbered One Thousand Seven Hundred (R.A. No. 1700) entitled 'An Act to Outlaw the Communist Party of the Philippines and Similar Associations, Penalizing Membership Therein, and for Other Purposes', as revived by Executive Order Numbered One Hundred Sixty-Seven (E.O. No. 167 dated May 5, 1987) and subsequently amended by Executive Order Numbered Two Hundred Seventy-Six (E.O. No. 276 dated July 15, 1987) is hereby repealed.

SEC. 2. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,

**The President.** Senator Lina, the Gentleman from Manila, Pagsanjan, Laguna and Nueva Ecija is hereby recognized.

**SPONSORSHIP SPEECH OF SENATOR LINA**

**Senator Lina.** Mr. President, my distinguished Colleagues:

As early as 1972, a very young Member of the House of Representatives had already strongly proposed the repeal of Republic Act No. 1700, otherwise known as the "Anti-Subversion Act." That young Gentleman, charismatic, suave, erudite and possessed with extraordinary foresight now stands among us as the leader of the Senate, none other than the Honorable Neptali Gonzales.

He was later joined by then and still Congressman today, Congressmen Jose "Apeng" Yap of Tarlac who has been chosen by President Ramos to be his emissary to CPP-NDF Head, Joma Sison; and the late Congressman Moises Escueta of Quezon.

Even before those three Gentlemen could finalize and file that repealing bill, Congressman Manuel Zosa of Cebu as Chairman of the Committee on Revision of Codes and Laws, assailed the proposal as being "untimely and dangerous in the light of the upsurge of subversion in the country."

Earlier, during the first session of the Seventh Congress, then Congressman Joaquin Rocas filed House Bill No. 29, which sought the repeal of Republic Act No. 1700, of which he himself was the author.

In the Senate, a bipartisan group of Senators, led by Senators Gil Puyat and Gerardo Roxas, filed a similar repealing bill. Both bills, sad to say, were never discussed on the Floor.

Today, more than 20 years later, we are once again confronted by the very same issue, which should have been resolved even then.

Mr. President, my fellow Senators, I am confident that we, in our term, will not allow this golden, and as Senator Shahani would put it, "historical opportunity" to slip past our hands and judgment.

In his first State of the Nation address, President Fidel V. Ramos said, and I quote:

Finally, I ask Congress to repeal Republic Act No. 1700, as amended, so that the Communist Party of the Philippines and similar organizations will no longer be outlawed but allowed to compete freely, openly and peacefully in the political, economic and social arena, instead of their following the path of the armed struggle.

Peace is a process and we must all join hands to bind and heal the conflicts that have so long divided and held us back.

With this, we cannot disagree.

Indeed, Mr. President, the urgency of the peaceful settlement of the armed conflict in the country cannot be overemphasized. The political instability brought about by insurgency in our country has retarded to a large extent our economic growth and development, even as it has inflicted further sufferings on our people.

The outlawing of the Communist Party of the Philippines in 1957 by Congress, prevented it and its members to engage in open and legal parliamentary struggle and democratic processes.

The CPP and its members had no option but to conduct underground and clandestine activities and wage an armed struggle.

Republic Act No. 1700 has also been used to suppress and muzzle legitimate political dissent, as experienced in the 1970s where youth reformists were labeled as communists, leftists, or subversives.

Thus, Mr. President, as an initial step in the journey towards peace, the repeal of Republic Act No. 1700 is hereby proposed.

Mindful of the President's urgent call in the imperative need to find a lasting solution to our insurgency problem, your Committee on Constitutional Amendments, Revision of Codes and Laws, together with the Committees on Justice and Human Rights, National Defense and Security and Peace, Unification and Reconciliation, immediately conducted two public hearings on three legislative measures, all seeking to repeal Republic Act No. 1700. Those measures, Mr. President, are Senate Bill Nos. 508, 510 and 587.

Let me give a brief background, Mr. President, on Republic Act No. 1700. It was enacted on June 20, 1957, Section 2 of that Act provides, and I quote:

The Congress hereby declares the Communist Party of the Philippines to be an organized conspiracy to overthrow the government of the Republic of the Philippines for the purpose of establishing in the Philippines a totalitarian regime and place the government under the control and domination of an alien power. The said party, and any other organizations having the same purpose and their successors are hereby declared illegal and outlawed.

In the case of *People of the Philippines vs. Tayag*, of the then Court of First Instance of Tarlac, the late Judge Simeon Ferrer, declared the law unconstitutional for being a bill of attainder. On certiorari proceedings, the Supreme Court, in the celebrated case of *People of the Philippines vs. Ferrer*, reversed Judge Ferrer and ruled that the Anti-Subversion Act was constitutional.

The Act was subsequently amended by a series of presidential decrees issued by then President Marcos which, among others, deleted reference to the Communist Party of the Philippines. (PD Nos. 885, 1835 and 1975)

Then came the EDSA Revolution. President Aquino, as an act of peace and reconciliation, released political prisoners, among whom were Bernabe Buscayno and Jose Maria Sison.

In 1987, however, she felt that the CPP-NPA continued to be a serious threat to the Republic, because its strength rose to a high of 25,000 in 1987. (Source: DND Data submitted to the Joint Committees) Thus, in that same year, President Aquino issued Executive Order Nos. 167 and 276, reviving the amended version of Republic Act No. 1700 and explicitly including the CPP-NPA in the list of organizations membership in which was prohibited.

What were the Committee findings, Mr. President? At the public hearing held by the Joint Committees, one thing stood out, that the repeal of Republic Act No. 1700 will settle the nagging and seemingly endless debate on its constitutionality or unconstitutionality.

Is Republic Act No. 1700 a Bill of Attainder? Corollary to this, is Congress without authority to outlaw specific organizations or its members for being subversives based on its own independent inquiry in aid of legislation?

Mr. President, my distinguished Colleagues, there are two views on this question:

One, the view of the majority in *People of the Philippines vs. Ferrer* which is the jurisprudence on the matter. And in that *People of the Philippines vs. Ferrer* case, the Supreme Court ruled that RA No. 1700 is not a Bill of Attainder and is, therefore, constitutional. However, not a few constitutionalists and academicians, not to mention human rights lawyers and advocates, held the contrary view and, therefore, up to this time this view will be in the minority, because jurisprudence says that RA No. 1700 is not a Bill of Attainder.

In *People of the Philippines vs. Ferrer* the Supreme Court held, and I quote:

When the act is viewed in its actual operation, it will be seen that it does not specify the Communist Party of the Philippines or members thereof for the purpose of punishment. What it does is simply to declare the Party to be an organized conspiracy for the overthrow of the government for purposes of the prohibition. The term "Communist Party of the Philippines" is used solely for definitional purposes. In fact, the Act applies not only to the Communist Party of the Philippines but also to any other organization having the same purpose and their successors. Its focus is not on individuals but on conduct.

Fr. Joaquin Bernas espousing the other view finds the conclusion of the Supreme Court in *People of the Philippines vs. Ferrer* as specious. He observes thus:

Justice Castro says that the term 'Communist Party' is used solely for definitional purposes. The clear language of Section 2, however, is not one merely of definition, but of condemnation. The Communist Party is, in categorical language, described as subversive and, in the second sentence, it is condemned as illegal and outlawed. To read such language merely as a definitional guide is to save the law by amending it. The language of the law condemns the association and deprives it of the right to be an association.

There are other scholars who held the contrary view to that espoused in *People of the Philippines vs. Ferrer*, Mr. President. Dean Pacifico Agabin of the UP College of Law is one.

In 1972, Mr. President, then Congressman Gonzales stated and I quote: "Outlawing the Communist Party and punishing membership therein transgresses in the most reprehensible manner one vital tenet of criminal justice in free and democratic societies.

Guilt is personal, and no person shall be adjudged guilty because of association."

This was taken from the issue of *Philippines Free Press*, February 26, 1972. Quotation from now Senate President Gonzales.

But what should be underscored, Mr. President, is that the repeal of RA No. 1700 is a part of the overall peace agenda. Secretary Franklin Drilon referred to it as "a part of the confidence building process."

In his testimony before the Joint Committees, Secretary Drilon explained that the repeal of RA No. 1700 is but one of the four features of the amnesty program of the President. The other three features of that program are, and I quote: "The examination of pending cases against those who may have been charged with crimes against national security and public order; the formation of the National Unification Committee; and the General Amnesty Program that will be formulated by the National Unification Committee."

Indeed, Mr. President, the repeal of the Anti-Subversion Act should be viewed in its proper perspective. The repeal merely of RA No. 1700 and, by itself, will certainly not bring about an end to the armed conflict in our country. In fact, lawyers and representatives of human rights groups and political detainees themselves expressed "mixed feelings" over the proposed repeal of RA No. 1700.

Rafael Baylosis, a political detainee and alleged Secretary General of the Communist Party of the Philippines, in his testimony before the Senate committees, welcomed the move to obliterate from statute books RA No. 1700 as it "will finally unban and legalize the Communist Party of the Philippines and similar organizations that had been shunted from the open political process and parliamentary struggle for half a century now." He added that repealing RA No. 1700 will also "remove the spectre that continues to haunt, even up to this very day, political dissenters and organizations seeking reforms in or proposing alternatives to various government policies and programs."

However, Mr. President, they, too, are apprehensive of the proposed repeal, particularly in relation to the issue of political prisoners. Their apprehension lies in the fact that only an insignificant number of political prisoners are charged with or have been convicted for violation of RA No. 1700.

Mr. President, there is also merit to the concern raised by Attorney J. V. Bautista of FLAG that from the point of view of a defense lawyer's strategy in court, it is sometimes better that political offenders are charged with violation of RA No. 1700 than be accused of other common crimes because, under the

former, the prosecution could be hard put to prove in every instance the following, and I quote:

a. That the CPP continues to pursue the objectives which led Congress in 1957 to declare it to be an organized conspiracy for the overthrow of the government by illegal means for the purpose of placing the country under the control of a foreign power;

b. That the accused joined the CPP; and

c. That he did so willfully, knowingly and by overt acts as required by the Supreme Court in *People of the Philippines vs. Ferrer*.

Attorney Bautista thus explained that if RA No. 1700 will be finally removed from the penal statutes, it may even prove disadvantageous to political dissenters.

Mr. President, all these having been considered by the Committee, we are of the belief that present circumstances and events prove the necessity of repealing RA No. 1700, even from the point of view of considering the repeal as a small step in the journey toward the attainment of peace in the country; and that the Communist Party will be allowed to operate openly in the parliamentary struggle thus making their members convinced that the peaceful struggle is a path that can be followed by everybody.

Now, what are the legal effects and implications of the repeal of RA No. 1700? At the outset, allow me to stress that the proposed measure prepared by the Joint Committees is solely to repeal the Anti-Subversion Act, as amended. The other existing laws on national security and public order in the Revised Penal Code and other special laws remain in full force and effect.

The State, therefore, is not rendered defenseless with the repeal of RA No. 1700 against those who advocate violence and armed struggle in their desire to overthrow the government and its authorities.

This leads me to another important effect of the repeal, Mr. President, and that is, all persons convicted under RA No. 1700 and who are already serving sentence shall be released, provided that they are not pending sentence for some other crimes or offenses. And those with pending cases for violation of RA No. 1700 shall also be benefited because said cases shall be considered *ipso jure* dismissed, and the person so detained shall forthwith be released, unless detained or charged for other crimes or offenses under the Revised Penal Code or special laws.

Mr. President, clearly then in the larger context of a national unification and peace agenda, the repeal of RA No. 1700 must be viewed as a beginning, as a small but meaningful step, towards ending the country's arm conflict which has been in existence for about half a century now.



To the administration, it is a part of the confidence building process, a process whereby openness of mind and heart must exist so that the mistrust and suspicion which have characterized the relations between the government and the insurgents in the past can gradually be replaced by goodwill and understanding.

Mr. President, in conclusion, let me say that the present administration has started to pave the road to peace. The least that we, in this Chamber, can do is to call on our brothers who may have traveled a different path to join us in the way to peace, for after all we are all Filipinos and we belong to but one nation. The attainment of peace will be the foundation of our growth as a nation and as a people.

The Joint Committees, therefore, earnestly urge the approval of the bill under consideration even as we noted the mixed feelings aired by the political detainees themselves and the human rights groups.

The repeal of RA No. 1700, though but a small step, is still a meaningful one in the journey to peace.

To paraphrase Mao Tse Tung himself, a communist leader, thus: "A journey of a thousand miles begins with one small step."

Thank you, Mr. President, and good day.

**The President.** The Minority Leader is recognized.

**Senator Guingona.** Mr. President, will the distinguished Gentleman from Manila and Laguna yield to a few questions?

**The President.** Senator Lina may yield, if he so desires.

**Senator Lina.** Willingly, Mr. President.

**Senator Guingona.** Mr. President, may we know from the distinguished Gentleman how many communist parties there are in the Philippines?

**Senator Lina.** Will the Minority Floor Leader repeat the question? I did not get it.

**Senator Guingona.** May we know how many communist parties are there in the Philippines?

**Senator Lina.** Mr. President, we have the Communist Party of the Philippines belonging more to the group that adheres to the Mao Tse Tung doctrine. The other one is the Partido Komunista ng Pilipinas, which belongs to the other side of the fence. This time, the differentiation may not be there, but on record the analysis of the Armed Forces of the Philippines is that there are

two communist parties, the one that belongs to the CPP/NPA/NDF access, and the other one is the Huk — Partido Komunista ng Pilipinas — with the Hukbong Magpapalaya ng Bayan as the origin.

**Senator Guingona.** Will this repeal apply to both?

**Senator Lina.** Mr. President, I understand that the other party had been recognized, meaning the latter group that I referred to, even at the time of President Marcos. As early as 1974, this was already excluded from the list of outlawed organizations. What remained was the Communist Party of the Philippines, the CPP/NPA/NDF grouping.

So, a repeal of Republic Act No. 1700 will apply to the Communist Party of the Philippines, CPP/NPA/NDF grouping.

**Senator Guingona.** And the party is a just as free now to organize as a political party.

**Senator Lina.** Yes, Mr. President. I understand it is organizing openly. It is making positions on issues openly.

**Senator Guingona.** Mr. President, this intended repeal will not only repeal Republic Act No. 1700, but it will also repeal Executive Order No. 167. Is that correct?

**Senator Lina.** That is correct, Mr. President, as stated in the bill itself. There are only two sections of RA No. 1700, and I quote: "The RA No. 1700 as revived by Executive Order No. 167, and subsequently amended by Executive Order No. 276 is hereby repealed."

So, the Gentleman is correct, Mr. President.

**Senator Guingona.** Mr. President, may we know what Executive Order No. 167, in essence, provides?

**Senator Lina.** It reinstates Republic Act No. 1700 in its original form, Mr. President. In that RA No. 1700, the Communist Party of the Philippines was specifically mentioned as an illegal or outlawed organization.

**Senator Guingona.** But it did not only revive....

**Senator Lina.** It also increased the penalties.

**Senator Guingona.** No, it also repealed other sections of the National Security Code, did it not?

**Senator Lina.** Yes, in terms of penalties and other matters, pertaining to the National Security Law.

**Senator Guingona.** It repealed Presidential Decree No. 885, did it not?

**Senator Lina.** Yes, Mr. President. PD No. 885, and there are two other additional decrees issued by then President Marcos. I think the decrees are PD Nos. 885, 1835 and 1975, Mr. President.

**Senator Guingona.** Did it not also repeal other organizations? Because the subversive organizations mentioned in those decrees not only referred to the CPP/NPA but to other organizations. And, therefore, if we repeal Executive Order No. 167, as amended, we would also repeal what was repealed by EO No. 167, thereby extinguishing the right of other parties considered subversive in that Presidential Decree No. 1736 codifying the various laws of anti-subversion.

In other words, PD No. 1975 embodied codification of various laws on anti-subversion, and it included not only the communist parties but also other organizations. And if we repeal what was repealed, we may be in effect reviving the illegal character of those organizations.

**Senator Lina.** Yes. Executive Order No. 167, Mr. President, which President Aquino issued, revived the amended version of RA No. 1700. And the distinguished Minority Leader is correct, the amendment to RA No. 1700 in effect was revived through EO Nos. 167 and 276.

**Senator Guingona.** Now, this EO No. 167, as amended, Mr. President, repealed the entire Anti-Subversion Code embodied in PD No. 1975. My concern is, if we repeal this now we may be repealing what was repealed by EO No. 167 and thereby again outlaw the other organizations embodied in that codified Anti-Subversion Code.

**Senator Lina.** In the period of amendments, we can clarify that further, Mr. President. The intention is to have RA No. 1700, as amended, and even as revived by two executive orders, repealed completely.

**Senator Guingona.** Yes. So, we have no quarrel with that. I think we should repeal RA No. 1700, and it should apply to the two communist parties, if there are two. But our concern is that we would, in effect, by this intended repeal of EO No. 167, revive the illegal character of other organizations as embodied in the Anti-Subversion Code under PD No. 1975.

**Senator Lina.** Mr. President, that is the direction of this proposed measure.

**Senator Guingona.** For example, the other front organization, NDF, the National Democratic Front, is that an illegal organization? I understand that is covered by the Anti-Subversion Code.

**Senator Lina.** The effect is to allow these organizations to freely operate and join in the open and democratic struggle, and removing the stigma that these are illegal or unlawful organization.

**Senator Guingona.** We have no quarrel with that, Mr. President. But under the martial rule regime, there were a number of organizations that sprouted and many of them were declared as subversives under the Anti-Subversion Code. That was repealed already by Executive Order No. 167, but we are now repealing Executive Order No. 167. If we do this, the question is: Will we not revive again the subversive character of those organizations outside of the CPP-NPA?

**Senator Lina.** No, Mr. President. The effect is not only to legalize the CPP-NDF-NPA, or rather the Communist Party of the Philippines or any subversive organizations as so defined in Republic Act No. 1700.

The benefit extends to other so-called organizations which have been identified and described in RA No. 1700, as amended and as revived by Executive Order Nos. 167 and 297.

**Senator Guingona.** May we, therefore, know what are the organizations that were declared as subversives under Presidential Decree No. 1975, otherwise known as the Anti-Subversion Code.

**Senator Lina.** Mr. President, in the previous decree, PD No. 1835, and even in PD No. 1975, the then regime, cognizant of the *People of the Philippines vs. Ferrer* case, in fact, removed the CPP-NPA from the definition of the law as subversive. That was what happened as a result of the *People of the Philippines vs. Ferrer*, afraid that again a case will be filed, declaring it to be a Bill of Attainder, under PD No. 1835, the names of the organizations, including the Communist Party of the Philippines, were excluded, and a new Section 2 was formulated to get away from that argument that, by so declaring an organization as illegal, it becomes a Bill of Attainder.

**Senator Guingona.** Mr. President, may we know the organizations embodied in that Anti-Subversion Act?

**Senator Lina.** In RA No. 1700, Mr. President, the Communist Party of the Philippines was named as an outlawed organization.

**Senator Guingona.** I understand that there are other organizations. That is what we are after. If there are no other organizations and the Communist Party of the Philippines was excluded, then the repeal embodied in EO No. 167 would have no logical basis, Mr. President.

**Senator Lina.** Later on, Mr. President, in pronouncements made, even KASAPI as an organization was mentioned. There were other organizations that were mentioned. I just could not get... BANDILA came later, Mr. President.

**Senator Guingona.** Yes, if BANDILA was named, then Senator Aquino was subversive at the time because he was one of the leaders of BANDILA, Mr. President; and the distinguished Senator from Manila was also a member of KASAPI.

**Senator Lina.** Yes, Mr. President. So, the effect of the repeal is to legalize all these organizations that have been named in those amendatory laws to RA No. 1700. That is what we are trying to say, Mr. President.

**Senator Guingona.** Yes, that is the intent. But we are amending RA No. 1700; we are amending EO No. 167. Executive Order No. 167 repeals the Anti-Subversion Act. So, when we repeal what was a former law, then the character of the former law is revived.

**Senator Lina.** That is correct, Mr. President.

**Senator Guingona.** Then the right to form associations may be unduly restricted if PD No. 1835 and PD No. 1975 are revived because of the repeal of EO No. 167.

**Senator Lina.** That is not the intention, Mr. President.

**Senator Guingona.** Does the Gentleman not agree that a law that is repealed will have the effect of reviving the former law?

The former law was the Anti-Subversion Code as embodied in several presidential decrees. Now, we are repealing EO No. 167.

**Senator Lina.** That is correct, Mr. President. Executive Order No. 167 repealed PD Nos. 1835 and 1975, and it revives RA No. 1700 entitled An Act to Outlaw the Communist Party of the Philippines and Similar Associations, Penalizing Membership Therein and for Other Purposes.

So, Executive Order No. 167 will repeal Presidential Decree Nos. 1835 and 1975, and what we revive, Mr. President, is Republic Act No. 1700 through this Executive Order No. 167.

If Executive Order No. 167 revived Republic Act No. 1700, the question is: Will Presidential Decree Nos. 1835 and 1975 be in operation with the revival of RA No. 1700?

**Senator Guingona.** Republic Act No. 1700 is no longer at issue, Mr. President. I am asking whether the repeal of Executive Order No. 167 will not revive Presidential Decree No. 1736.

**Senator Lina.** Presidential Decree No. 1975, Mr. President.

**Senator Guingona.** Yes, Presidential Decree Nos. 1736 and 1975.

**Senator Lina.** Mr. President, Executive Order No. 167 repealed PD Nos. 1835 and 1975.

**Senator Guingona.** No, they repealed Presidential Decree....

**Senator Lina.** Section 1 of Executive Order No. 167 states: Section 1. Presidential Decree Nos. 1835 and 1975 are hereby repealed.

In Section 2, the Executive Order states:

All laws inconsistent herewith and all presidential issuances, orders, rules and regulations implementing PD Nos. 1835 and 1975 are hereby likewise repealed or modified accordingly.

Section 3, Republic Act No. 1700, entitled An Act to Outlaw the Communist Party of the Philippines and Similar Associations, Penalizing Membership Therein and for Other Purposes is hereby revived.

So, the answer to the question, Mr. President, is: There is no need to repeal the two PDs, Presidential Decree Nos. 1835 and 1975 because they have already been repealed by Executive Order No. 167.

What Executive Order No. 167 did precisely, was to repeal Presidential Decree Nos. 1835 and 1975, but revived Republic Act No. 1700.

**Senator Guingona.** Mr. President, we have no quarrel with Section 3. Section 3 revived Republic Act No. 1700, and we are now repealing that.

My concern is Section 2 which says that all laws inconsistent herewith and all presidential decrees, rules and regulations implementing Presidential Decree Nos. 1835 and 1975 are hereby likewise repealed or modified accordingly.

If we repeal this, we, in effect, revive Presidential Decree Nos. 1835 and 1975, Mr. President. And the right to form illegal associations will again be outlawed.

**The President.** The distinguished Sponsor is recognized.

**Senator Lina.** Yes, Mr. President.

**The President.** I think the legal question posed by the Minority Leader is this. What is the effect of an absolute repeal of a law and the laws that the latter had previously repealed? Will they remain repealed or will they be revived? I think that is the legal poser made by the Minority Leader for the last almost half an hour.

Senator Lina. I already answered, Mr. President, that Executive Order No. 167 repealed P.D. No. 1835 and P.D. No. 1975.

The President. That is correct, Your Honor.

But then when we repeal the Anti-Subversion Law, Republic Act No. 1700, as well as Executive Order No. 167 and Executive Order No. 276, will the laws and decrees repealed by them remain repealed or will they be revived?

I think the distinguished Sponsor tried to answer this question. But then, probably, out of the abundance of caution, he said that he is going to make the necessary clarification by way of an amendment, so that there will not be any doubt as to the intentment of the present bill, if the Chair hears the Sponsor correctly.

Senator Lina. Yes, that was correct, Mr. President. And I did so answer the Minority Leader.

But just to make things clearer, Mr. President, R.A. No. 1700, in the chronology of events, was superseded by P.D. No. 885, entitled *Outlawing Subversive Organizations, Penalizing Membership Therein and for Other Purposes*. So, P.D. No. 885 is a repealing law of R.A. No. 1700.

This P.D. No. 885 was, in turn, amended by P.D. No. 1736. It is an amendment. So, the law after R.A. No. 1700 was P.D. No. 885. This P.D. No. 885 was amended by P.D. No. 1736. Now, this P.D. No. 1736 was likewise superseded by P.D. No. 1835, entitled *Codifying the Various Laws on Anti-Subversion and Increasing the Penalties for Membership in Subversive Organizations*, which, in turn, was amended by P.D. No. 1975.

In the law itself, in Executive Order No. 167, Mr. President, it is clearly stated that P.D. Nos. 1835 and 1975 are repealed. So, they are no longer in existence. They have been repealed, Mr. President. That is the Anti-Subversion Law at the time.

When Executive Order No. 167 was issued by President Aquino, the bottomline was that, R.A. No. 1700, in its original form, was revived, Mr. President. That is the chronology of the law. That is why when the P.Ds. were being mentioned, I have to go through the history of the whole law.

So, the answer to the question of the Minority Leader, which I have already given, was that this proposed measure will obliterate, meaning, the proposed bill under consideration will repeal R.A. No. 1700 as revived by E.O. Nos. 167 and 267, which amended E.O. No. 167, Mr. President.

The President. There was likewise a question posed by the Minority Leader. What are the organizations that are considered outlawed?

We have here Section 2 of Executive Order No. 276, which provides: Section 3 is hereby amended to read, as follows:

Section 3. As used in this Act, the term 'Communist Party of the Philippines' shall mean and include the organizations now known as the Communist Party of the Philippines (CPP), its military arm, the New People's Army or NPA, and its political arm, and any successors of such organization.

I hope the Chair helps in some clarifications.

The Minority Leader may continue his interpellation.

Senator Guingona. Executive Order No. 167 clearly says that the abovementioned decrees unduly restrict the constitutional rights to form associations. That is in the fourth "Whereas," Mr. President.

If we repeal this, will we not, in effect, revive the original Anti-Subversion Code. I just want a clarification, Mr. President.

Senator Lina. Mr. President, precisely R. A. No. 1700 and the subsequent decrees that have been issued restrict the constitutional rights to form associations, and since R.A. No. 1700 was revived by Executive Order No. 167, then the same argument holds.

Republic Act No. 1700, as the opponents of the law said, is a bill of attainder. It is also a restriction on the part of the people to organize freely. So that the repeal of R. A. No. 1700 as revived by Executive Order No. 167 will also remove that objection, Mr. President.

Senator Guingona. Mr. President, would it not be better to make no reference at all to Executive Order Nos. 167 and 276, and just say that we are repealing Republic Act No. 1700, and we do not repeal these executive orders, for, after all, Executive Order No. 276 refers principally to penalties which will be inconsistent anyway? Our main purpose is only to repeal Republic Act No. 1700, because I am afraid that if we repeal Republic Act No. 167, we will be reviving, in effect, some of the constraints imposed by the Anti-Subversion Act.

Senator Lina. It is a must that we state in the proposed legislation that the law we are repealing was revived by that Executive Order. I will not call it a matter of style, Mr. President, but that is material to the existence now of RA No. 1700, its revival by Executive Order No. 167.

Senator Guingona. We have no differences concerning RA 1700. Our concern is with the other organizations and with the other implications because if we repeal what was repealed, we will, in effect, be reviving the character of the old law. Because this is an expressed repeal, Mr. President, and it is fundamental that a repeal expressly made revives the old law.

**Senator Lina.** If that is not clear yet, Mr. President, if the Minority Leader wants to make more direct reference to a point that he wants covered to make it clearer, then at the appropriate time, an amendment can be introduced. But I think we have already responded to the substance of the question that what we are repealing is RA No. 1700 as revived by Executive Order No. 167, Mr. President.

If he finds difficulties that if we refer to EO No. 167 as a reviving law to RA No. 1700 and this will have some questions on the right of people to form organizations, then, maybe, at the appropriate time, the amendment be introduced. But my response is that, it is not necessary because Executive Order No. 167 make direct reference to the various decrees that were issued subsequent to the enactment of RA No. 1700 as also being repealed.

So, I do not foresee the problem that the Minority Leader sees. But if he comes up with a proposal, the language of which will contain the intention that he wants so clearly stated in our proposed legislation, then a proposal to that effect can be entertained at the appropriate time.

Incidentally, Mr. President, in today's sponsorship of the speech, I as Chairman of the Committee will open the sponsorship of the measure, the Author will also deliver another sponsorship speech. But unfortunately, I did not know that Senator Roco, who I asked to prepare also a sponsorship speech this morning, was not around when we opened the session. So, we already proceeded to the period of interpellation. But I told him that later, he can still deliver another sponsorship speech.

**Senator Guingona.** Mr. President, may I go to another point.

If this measure is approved, and Republic Act No. 1700 is repealed, will the cases of illegal possession of firearms, for example, filed against them be dismissed?

**Senator Lina.** Those charged with violation of PD No. 1866, Mr. President, will not be freed. Only those who have been convicted under the Anti-Subversion Act will be the ones freed.

**Senator Guingona.** Is not the essence of Republic Act No. 1700, the declaration of illegality, because it is a revolutionary organization?

**Senator Lina.** Yes, Mr. President.

**Senator Guingona.** Is not illegal possession of firearms, homicide and acts done in furtherance of the revolution absorbed in the offense of rebellion?

**Senator Lina.** No, Mr. President. It is only in the case of rebellion that crimes committed related to the main act are absorbed.

**Senator Guingona.** Precisely. But, being a member of the Communist Party, being a member of the NPA, the main purpose is rebellion. Therefore, all offenses under the old doctrine are absorbed in the offense of rebellion. Are they not?

**Senator Lina.** Yes, if we follow *People of the Philippines vs. Hernandez*, Mr. President. And later on, in the case of our former Colleague, Juan Ponce Enrile, the doctrine in Hernandez case was repeated.

**Senator Guingona.** Therefore, if this is repealed, if the act of rebellion is no longer punishable, at least as far as the CPP-NPA members are concerned, then all the acts that they committed in furtherance of that illegal association are likewise absorbed and their cases against them dismissed.

**Senator Lina.** No, Mr. President. The elements or the nature of this Anti-Subversion Act is very much different from the nature of rebellion.

Section 2 of Republic Act No. 1700, states that Congress hereby declares the Communist Party of the Philippines to be an organized conspiracy to overthrow the government of the Republic of the Philippines, for the purpose of establishing in the Philippines a totalitarian regime and place the government under the control and domination of an alien power.

Mr. President, in the case of rebellion, truly, we can make a case that, say, murder or the killing of a member of the Armed Forces of the Philippines can be considered an act committed in the furtherance of rebellion. But, this subversion is a conspiracy statute, the thrust is more to outlaw the organization.

**Senator Guingona.** But, were not the members of the old Hukbalahap, like Luis Taruc convicted on the basis of the complex crime of rebellion, precisely because they were members of the Communist Party? They did acts in furtherance of that rebellion, and they were punished or convicted in accordance with that doctrine.

Therefore, if we repeal this, should not the other specific crimes or offenses done in furtherance of their being members of the CPP-NPA and their having conspired to overthrow the government, be already absorbed in that offense of rebellion?

**Senator Lina.** Mr. President, as I already explained, there is a difference between rebellion and subversion. In the case of subversion, it is really membership, Mr. President; in the subversive organization the act is being punished, whereas, in the case of rebellion, there is immediately the element of public uprising or rising publicly in arms. So, there is a different thrust as far as rebellion is concerned, Mr. President.

**Senator Guingona.** Therefore, the overthrow of government, the main characteristic of rebellion notwithstanding, the distinguished Gentleman would make a distinction between subversion and rebellion?

**Senator Lina.** Going by textbook differentiation, Mr. President, the Anti-Subversion Act punishes participation or membership in an organization committed to overthrow the duly constituted government and organizing a totalitarian regime under the control of a foreign power. But this is not the same as rebellion.

**Senator Guingona.** Considering that we are doing the first of a four-part amnesty program, and considering that the members of the Communist Party of the Philippines are complaining that they are charged with common offenses that were really absorbed in their conspiracy to overthrow the government, will this help if we continue with the distinction?

**Senator Lina.** Mr. President, the policy question involved was raised by the other bills that were filed. There is one bill that had already been filed repealing PD No. 1866 which covers the matter of possession of firearms, Mr. President, if committed in furtherance of rebellion. In fact, PD No. 1866 increased the penalty in cases of possession of firearms.

**Senator Guingona.** Mr. President, I have other questions to ask, but in order to give opportunity to others, I will just make a reservation later on.

#### SUSPENSION OF THE SESSION

**Senator Romulo.** Mr. President, may I ask for a suspension of one minute.

**The President.** The session is suspended for one minute, if there is no objection. [*There was none.*]

*It was 11:27 a.m.*

#### RESUMPTION OF THE SESSION

*At 11:28 p.m., the session was resumed.*

**The President.** The session is resumed.

**Senator Romulo.** Mr. President, before we proceed with the other interpellations, may I ask that the Chair recognize the distinguished Senator from Camarines Sur and Bohol who is also going to deliver his sponsorship speech on this bill.

I ask that we recognize Senator Raul Roco.

**The President.** Yes, with the understanding that...

**Senator Tolentino.** Mr. President.

**The President.** Senator Tolentino is recognized.

**Senator Tolentino.** I stood up, Mr. President, because as we continue this sponsorship and we plan to interpellate, I would like to make a request, if the Secretariat can furnish us a copy of Republic Act No. 1700 and the pertinent provisions or sections of the PDs and Executive Orders affecting this law so that we can have an intelligent discussion of the matter. The Gentleman from Bicol could, perhaps, continue with his speech while we get these things so that we can be ready for interpellation with these documents.

**Senator Shahani.** Mr. President.

**The President.** What is the pleasure of the Lady Senator from Pangasinan?

**Senator Shahani.** A parliamentary inquiry, Mr. President.

**The President.** May we know the parliamentary inquiry?

#### PARLIAMENTARY INQUIRY OF SENATOR SHAHANI (Procedure of Business)

**Senator Shahani.** Mr. President, we are now embarked on the discussion of all these bills, and we have only four days to go. I do not know if we have been informed by the Leadership of its plan for the next four days — how many bills will be discussed, how much time we intend to discuss these bills, and what are the objectives. I think it is important for every Member of this Chamber to know what is the plan of action of this Chamber.

I understand that there has been a caucus among the Majority. But I protest against this method of working, Mr. President, not because the majority is so numerous, but the Minority is not brought in the discussion of some major decisions, such as the plan for this week. This is so important, Mr. President.

I was just asked now, "Are you going to interpellate? Sige, mabuti para matapos na ang batas na ito."

That is not the way for us to do this work, Mr. President. Those of us in the Minority have so much a right to know what is the plan of the President for the next four days.

I would like to make an appeal, Mr. President. Even our Colleague, Senator Tolentino, is asking for more materials, and we would like to know what are the bills intended to be passed so that we can prepare ourselves for the debate. It is not just a matter of number games which is at stake.

Thank you.

Senator Romulo. Mr. President.

The President. The Majority Leader, as Chairman of the Committee on Rules, is recognized.

Senator Romulo. Mr. President, we are preparing the list of the bills that will be taken up during this week. In fact, we will distribute it this afternoon. I am having it prepared so each of the Senators will have a copy of these bills.

May I also state, Mr. President, that we are discussing these bills with the Committee Chairmen and, to date, we are going to get the Committee Report on the Department of Energy. We are also going to get the Committee Report on the Conversion of the OPSF Fund to the Energy Fund. I think the Report is about to be finalized, including the amendments to the Condominium Act, as well as the Extension of the Period for Private Leases to Foreign Investors. We have also the Large Taxpayers Unit and the Increase of Penalties to Fines and Imprisonment, and the Domestic Help Bill.

A copy of all these bills and Committee Reports will be provided each Senator, at the latest this afternoon but, probably, before we suspend this morning's session, Mr. President.

The President. Earlier, the Chair has directed the Secretariat to furnish all Senators with a copy of the Committee Report as well as the bill which is to be considered at least one day before the actual consideration of the measure to enable the Senators to make the necessary preparations and likewise to obviate the filing of motions for the suspension of the consideration of the said bill or any other pertinent motion. I think the Secretariat will have to comply with that.

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

Senator Guingona. Mr. President, if I am not mistaken, the Committee Report was submitted only this morning, and it did not contain any copies of the pertinent provisions of not only the Executive Orders but also of the Decrees mentioned.

Mr. President, that would make us unprepared for intelligent legislation in this Chamber.

The President. That is the reason for the request of Senator Tolentino. And before I could issue the necessary directive to the Secretariat, I have to recognize Senator Shahani because of a parliamentary inquiry. But, certainly, we are going to issue the proper directive.

Senator Guingona. Yes, Mr. President, and for future legislation, I request that the Committee Report be as complete as possible, and that it be furnished all the Members at least a day before.

The President. The Senate President Pro Tempore is recognized.

Senator Maceda. Mr. President, I certainly have no disagreement with the views expressed by the distinguished Members of the Minority.

For the record, we were also not invited to the caucus referred to by the LDP Majority. But we had attended the committee meetings on all these bills proposed to be under discussion — twice, four Committees met on the Subversion Law; twice, the Committee met on the Department of Energy bill, as well as the Committees on Labor, and Ways and Means.

Having attended these meetings, we, as well as the representatives of the Senators who have not attended personally, have been given in the meetings all the information being requested. In the committee meetings, it was decided that these bills would be reported out fast, precisely, to support the request of the incumbent administration.

If the Members of the Minority, in support of the administration, feel that they are not ready at this time to help support these bills, it is their privilege to ask for postponement or to oppose these bills for not being ready for discussion.

I have no problem with that, Mr. President, but, certainly, it is also not fair to the Majority Party — and I say it in the context that I was not even part of that caucus referred to — because the Committee Chairmen belonging to the Majority have expended sometime in precisely conducting hearings in preparation for these discussions on the Floor.

So, Mr. President, again, we go back to the problems I stated in the beginning and which we had in the last Congress. Certainly, some of these problems could be obviated on the Floor if we attend committee meetings.

#### MANIFESTATION OF SENATOR LINA (Committee Report Copies Distributed)

Senator Lina. Mr. President, I just would like to put into the *Record* that copies of the Committee Report were distributed last week. In fact, we were prepared to sponsor this bill as early as Thursday in answer to the call of the President that the peace process must immediately begin.

These Committee Reports were made available as early as Thursday last week. In fact, the Majority Leader, at that time, was

already asking me to prepare to sponsor this bill as early as last Thursday, but we had to discuss the matter of the Commission on Appointments and there was no more time to sponsor this bill.

**The President.** Will the Secretary of the Senate confirm or deny on the record this manifestation made by Senator Lina that copies of the Committee Report, together with the bill attached thereto, have been distributed to all the Senators as early as Thursday of last week?

**The Secretary.** Yes, Mr. President. Copies were distributed in the Session Hall on Thursday morning.

**Senator Romulo.** Mr. President, may I also say, and it is on record, that precisely last Thursday, we moved for the transfer of this bill to the Calendar for Special Orders.

And as I have stated, Mr. President, we are preparing the list of all the bills that we will take up this week.

Moreover, Mr. President, as we have done in the past sessions, we will have a folder to contain all the data that are necessary per bill, but we are waiting for the committee reports for all these bills. So, with the exception of this Committee Report No. 3, we are still waiting for the committee reports for the other bills which are already forthcoming.

Committee Report No. 4 is also in already, Mr. President.

**The President.** At any rate, the Secretariat is hereby directed to furnish, not later than this afternoon, all Senators with copies of the following laws, decrees and executive orders. Republic Act No. 1700, then we have Presidential Decree No. 885, which was issued on February 3, 1976. Presidential Decree No. 1735, which was issued on September 12, 1980. Presidential Decree No. 1736, which was issued on September 12, 1980. Then we have Executive Order No. 167, which was issued by the President on May 5, 1987. Then we have Executive Order No. 276, which was issued on July 15, 1987.

Are there any other decrees?

**Senator Guingona.** Just for the record, Mr. President. The Minority, certainly, does not want to impede, but there is a responsibility and a right that the Minority has, which not even the Majority can remove from us, and we want to have responsible legislations.

Our questions, Mr. President, were not intended to delay, but we should certainly need those reports; we needed those documents, and those are what we ask for future legislations.

**Senator Roco.** Mr. President.

**The President.** Yes, please.

**Senator Roco.** Just for the record also, Mr. President, because I will ask for suspension after a while, I am supposed to be a Cosponsor as Author of the bill, and I did manifest in the caucus of the Majority that I was coming late this morning because I had previous appointments already made. In fact, I was surprised, Mr. President, when I came in, having notified the caucus that I could not help my previous appointments, considering that this was set only last Thursday.

And so I am totally in sympathy with the expressions being made about the furnishing of papers, and in view thereof, Mr. President, maybe we can resume the sponsorship period this afternoon so that all the documents are furnished all the Members of the Senate — the Executive Orders that they are asking for, Mr. President, and all the copies of the Presidential Decrees, if that was as I understand it, the order of the President.

**Senator Lina.** Mr. President.

**The President.** Yes, Senator Lina is recognized.

**Senator Lina.** For the guidance of this Representation, Mr. President. Are we required, when we sponsor a measure, to produce the entire study, including the documents that we have to advert to? Do we have to make those available to all, Mr. President? I do not think that is the... that is not even the practice. It is incumbent upon us to prepare for the bill that will be discussed on the Floor, otherwise anybody will just study the matter right here on the Floor of the Senate by making the documents available to him. I do not think that is our practice here.

**Senator Tolentino.** Mr. President.

**The President.** Senator Tolentino is recognized.

**Senator Tolentino.** Mr. President, in relation to this, I would like to react to the statement of the distinguished Sponsor. All these PDs came out during the interpellation with the distinguished Minority Leader. That is why, we are asking for these documents so that we may look over them. We are not even asking for suspension of the sponsorship. We want the documents only so that we can look over them preparatory to our own interpellation of the Sponsors.

I think that is fair because we want to understand what is being repealed actually. We want to know the scope and the effect of this repeal. And unless we have all of those documents together, I feel we are in doubt as to the extent of this repeal being made. This will also guide us whether we want to make amendments or not to the proposed bill.



I do not think this should be denied us because these matters came up during the interpellation by the distinguished Minority Leader. Of course, there is no rule requiring this, but we are just asking this to enable us to intelligently discuss this matter afterwards.

**The President.** The necessary directive having been issued already to the Secretariat, this matter is already considered closed.

**Senator Roco.** Mr. President.

**The President.** Senator Roco is recognized.

**Senator Roco.** Yes, Mr. President. If that matter has been closed, Mr. President, and presumably the other Members of the Senate will be getting the copies of the executive orders later on, may we just, by way of picking up the sponsorship, move that our — I do not know how many pages this is — 12-page sponsorship be just inserted into the *Record* later on, so that I do not have to read it and spend the time of the Chamber.

But I wish to point out only three points, because I assume the Chairman has touched on these points already.

There are three basic reasons, Mr. President, for seeking approval of this Chamber of the repeal of Republic Act No. 1700. The three reasons are the following, Mr. President: First, it does add to the democratic space. It enlarges the democratic space of the present Republic.

Before, Mr. President, there seemed to be need for having an anti-subversion law. In 1957, this was eventually enlarged in application then revived.

And by way of clarifying the legal situation, Mr. President, it will be very useful to now repeal Republic Act No. 1700. It is also by way of responding to the State-of-the-Nation address of the incumbent President.

The second reason, Mr. President, why we may want to repeal RA No. 1700 is, it removes the legal basis for the ruling in the case of Umali. In that ruling, Mr. President, the Chamber may recall the case of *Roberto Umali vs. Fidel V. Ramos*, where it was held that warrantless arrests can be implemented. And the basis was because the Anti-Subversion Law, when violated, constitutes a continuing crime, and so long, therefore, as one is accused of being a member or a leader of the communist party or its military arm, theoretically, one does not need a warrant of arrest to have that person arrested.

By repealing RA No. 1700, Mr. President, as revived by the executive orders, we shall remove the basis for these warrantless arrests. The beneficent effects of the repeal, Mr. President, apply

to three situations: the first is when a crime has been committed and prosecution has begun; the second is when sentence has been passed out but service has not begun; and the third, when the sentence is being carried out.

In the hearings, it was pointed out that it will affect some 200 or so cases, and that is all out of the political cases of more than 1,000 filed before the courts.

During the hearing, our resource persons indicated that the repeal of RA No. 1700, as amended, will really affect only some 127 pending cases where service of sentence has commenced or cases where the sentence has been effectively carried out. It may be also important to call attention to a republic act that this Chamber has approved some two years ago. Actually last year, Mr. President, the Congress approved Republic Act No. 6968, which punishes the crime of coup d'etat and prescribes severe penalties for rebellion, insurrection or coup d'etat. I call attention to them only because they modified Article 135 of the Penal Code on rebellion, and this particular Republic Act may constitute the defense of the Republic in the event we now repeal Republic Act No. 1700.

Those are the main points of the sponsorship speech. Later on, I will reiterate the motion to just insert it into the *Record*.

By way of answering some of the queries that I overheard, Mr. President — the repeal of RA No. 1700 — the phraseology of the Committee Report reads as follows:

Republic Act No. 1700, entitled An Act to Outlaw the Communist Party of the Philippines and Similar Associations, Penalizing Membership Therein, and for Other Purposes, as revived by Executive Order Number One Hundred Sixty-Seven and subsequently amended —

In other words, Executive Order No. 167 repealed the PDs that amended already Republic Act No. 1700. The PDs basically increased the penalty for violations of Republic Act No. 1700. When the presidential decrees were repealed, the clear intent was to bring back the penalty for violation of Republic Act No. 1700 to the original terms of Republic Act No. 1700.

Now, the text of the Committee Reports continues.

As revived by Executive Order Numbered One Hundred Sixty-Seven and subsequently amended.

In other words, RA No. 1700, in its original form now, was subsequently amended by Executive Order No. 276. The amendment of Executive Order No. 276 also increased again the original penalties imposed by RA No. 1700. Those were basically the only amendments, Mr. President.

Consequently, should the Chamber, in its judgment, approve the consolidated Senate Bill No. 508, the effect is to abrogate Republic Act No. 1700, together with the increased penalties that were added on by Executive Order No. 276.

Presidential Decree No. 889 and Presidential Decree No. 1835, which originally already increased the penalties, are no longer in existence, because Executive Order No. 167 already expressly repealed them.

So, the presidential decrees will not be revived. What will be abrogated now is Republic Act No. 1700, as modified by Executive Order No. 276, which merely increased the penalty from the original penalties imposed by RA No. 1700 to the new penalties imposed by EO No. 276.

I thought, Mr. President, by just explaining that it may also clarify the parliamentary situation.

**MOTION OF SENATOR ROCO**  
(Insertion of His Speech into the *Record*)

With those observations, we wish to again reiterate for action of this Senate, the move to just insert the rest of the speech into the *Record*.

Senator Guingona. Mr. President.

The President. The Minority Leader is recognized.

Senator Guingona. May we have a copy of the speech, Mr. President, and since the distinguished Gentleman has raised several interesting points, if there is need to, we will request for interpellation.

Senator Roco. We will be very happy to give the Minority Leader a copy, Mr. President.

The President. Is there a motion now to put into the *Record* the speech?

Senator Roco. Yes, Mr. President, just by way of hastening the discussion.

The President. All right. Is there any objection to the said motion? [*Silence*] There being none, the said motion is hereby approved.

Senator Tolentino. Mr. President.

The President. Senator Tolentino is recognized.

Senator Tolentino. Is the motion to be understood that we are not going to debate the speech anymore?

The President. The Majority Leader is recognized.

Senator Romulo. Mr. President, to give opportunity for the Secretariat to prepare these materials, we are going to move that we defer further consideration and interpellation until this afternoon.

Senator Tolentino. Yes, but I mean, on the basis of the speech which is now in the *Record*, what do we have as a basis for our interpellation? We cannot wait for the record until tomorrow. We will meet this afternoon.

Senator Romulo. Mr. President, we are asking the Secretariat to replicate all the sponsorship speeches of Senator Lina and Senator Roco so that we can furnish each Senator with a copy of the speeches and these will be available before we resume our session this afternoon.

Senator Tolentino. Thank you, Mr. President.

*The following is the full text of the written sponsorship speech of Senator Roco:*

**SPONSORSHIP SPEECH OF SENATOR ROCO**

Senator Roco. Mr. President, with the permission of the Committee on Justice and Human Rights, Constitutional Amendments, Revision of Codes and Laws, National Defense and Security, and Peace, Unification and Reconciliation, we wish to speak in support of Senate Bill No. 508, entitled

**AN ACT REPEALING REPUBLIC ACT NUMBERED ONE THOUSAND SEVEN HUNDRED, AS AMENDED, OTHERWISE KNOWN AS ANTI-SUBVERSION ACT.**

As background, we want to point out the constitutional bases of this particular bill.

Section 4 of Article III, the Bill of Rights, of the Constitution provides in unequivocal terms the following:

No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

In recognition of the fact that organizations serve as better vehicles for the expression of views that have bearing on the public welfare, Section 8 of the same Article guarantees the right of association.

The right of the people, including those employed in the public and private sectors, to form unions, associations or societies for purposes not contrary to law shall not be abridged.

Bolstering the above provisions, especially the right to dissent, Section 18(1) of the same Article provides:

No person shall be detained solely by reason of his political beliefs and aspirations.

All these constitutional provisions flow from the declared State policy that:

The State values the dignity of every human person and guarantees full respect for human rights. (Const., Art. II, Sec. 11)

To guard against undue interference by Congress on the exercise of the above constitutional rights, Section 22 of the Bill of Rights provides this limitation.

No *ex post facto* law or bill of attainder shall be enacted.

A bill of attainder is a legislative act which inflicts punishment without trial. Its essence is the substitution of a legislative for judicial determination of guilt. The constitutional prohibition against bills of attainder serves to implement the principle of separation of powers by confining legislative usurpation of the judicial function.

In spite, however, of the abovequoted guarantees in 1957, Congress enacted RA No. 1700, otherwise known as the Anti-Subversion Law. In passing the said law, Congress outlawed the Communist Party of the Philippines in this wise.

The Congress hereby declares the Communist Party of the Philippines to be an organized conspiracy to overthrow the government of the Republic of the Philippines for the purpose of establishing in the Philippines a totalitarian regime and place the government under the control and domination of an alien power. The said party and any organization having the same purpose and their successors are hereby declared illegal and outlawed. (Sec. 2, RA No. 1700, before Amendments by EO No. 267).

The enactment of RA No. 1700 merely formalized the disdain with which the powers-that-be treated the Communist Party. For as early as in the 1930s, the Supreme Court upheld the prohibition by Mayor Tomas Earnshaw of Manila of any kind of meeting of members of the Communist Party, revoking for this purpose all permits previously granted by the mayor, on the ground that said party has been found by the Office of the City Fiscal to be an illegal association. In sustaining Mayor Earnshaw, the Supreme Court declared.

It will be readily seen that the doctrines and principles advocated and urged in the Constitution and by-laws of the Communist Party of the Philippines, the speeches uttered, delivered, and made by its members or gatherings before, are highly seditious in that they suggest and incite rebellious conspiracies and disturb and obstruct the lawful authorities

in their duties. Considering the actions of the so-called president of the Communist Party, it is evident that he cannot expect that the defendant will permit the Communist Party to hold meetings or parades in the manner herein described. The respondent mayor, whose sworn duty is 'to see that nothing should occur which would tend to provoke or incite the people to disturb the peace of the community or the safety or order of the government,' did only the right thing under the circumstances, that is, cancel and withdraw, as was done, the permit previously issued by him to the said Communist Party, in accordance with the power granted to him by law. Instead of being condemned, the respondent mayor should be praised and commended for having taken a prompt, courageous, and firm stand towards the Communist Party of the Philippines before the latter could do more damage by its revolutionary propaganda, and by the seditious speeches and utterances of its members. (*Crisanto Evangelista vs. Tomas Earnshaw*, 57 Phil. 255)

In the case, however, of *People of the Philippines vs. Ferrer* 48 SCRA 382) the Court of First Instance of Tarlac, through Judge Simeon N. Ferrer, resolved on 15 September 1970 to declare RA No. 1700 void on the grounds that it is a bill of attainder and that it is vague and overbroad.

The Anti-Subversion Act was condemned by the Court as a bill of attainder because it "tars and feathers" the Communist Party of the Philippines as a 'continuing menace to the freedom and security of the country; its existence a clear, present and grave danger to the security of the Philippines' "By means of the Act, the trial court held, Congress usurped the powers of the judge," and assumed "judicial magistracy" by pronouncing the guilt of the CPP without any of the forms or safeguards of judicial trial." Finally, according to the court, "if the only issue to be determined is whether or not the accused is a knowing and voluntary member, the law is still a bill of attainder because it has expressly created a presumption of organizational guilt which the accused can never hope to overthrow."

On appeal, however, the Supreme Court reversed the trial court and upheld the validity of the law.

Moreover, the majority decision glossed over the deleterious effect of the Anti-Subversion Act on the exercise of civil liberties, especially the freedom of expression and right of association, to wit:

x x x whatever interest in freedom of speech and freedom of association is infringed by the prohibition against knowing membership in the Communist Party of the Philippines, is so indirect and so insubstantial as to be clearly and heavily outweighed by the overriding considerations of national security and the preservation of democratic institutions in this country.

Following the Ferrer case, in 1976, the martial law regime of President Ferdinand E. Marcos promulgated PD

No. 885, the Revised Anti-Subversion Act which revised RA No. 1700 so as to broaden the coverage of acts punishable thereby and to provide stiffer penalties for its violation.

Thus, national security became the paramount interest of the State even if it would mean infringement of civil liberties.

For its part, the PD No. 885 at least did not suffer from the stigma of being a bill of attainder. Section 2 of PD No. 885 provides:

Any association, organization, political party, or group of persons organized for the purpose of overthrowing the government of the Republic of the Philippines for the purpose of removing from the allegiance to said government or its laws, the territory of the Philippines or any part thereof, with the open or covert assistance or support of a foreign power by force, violence, deceit or other means shall be considered and is hereby declared subversive.

In 1981, President Marcos enacted PD No. 1835, the Anti-Subversion Law of 1981. Under the same repressive atmosphere, PD No. 1835 provided more severe penalties such as *reclusion perpetua* to death and the forfeiture of rights as a citizen of the Philippines for the violation thereof.

Significantly, it revived the question of the Decree's being a bill of attainder when it declared, and I quote:

The Communist Party of the Philippines is hereby declared to be an organized conspiracy for the purpose of overthrowing the government of the Republic of the Philippines for the purpose of removing from the allegiance to said government or its laws, the territory of the Philippines or any part thereof, with the open or covert support of a foreign power or the open or covert support from a foreign source of any association, group of persons, whether public or private, by force, violence, terrorism, arson, assassination, deceit or other illegal means. The said party and any other organization, association, political party or group of persons organized for the same purpose and their successors are hereby considered and declared subversive organizations.

In the aftermath of the 1986 EDSA Revolution, President Corazon C. Aquino enacted Executive Order No. 167 to repeal PD No. 1835, as amended, as the Decree unduly restricted the people's right to form associations. But since there was no intention to legalize membership in the Communist Party of the Philippines, the said Executive Order revived RA No. 1700, and with it, the continuing controversy arising from the Act's being characterized as a bill of attainder.

Later on, in reaction to increased attacks by the New People's Army on the Armed Forces of the Philippines, in spite of her overtures for peaceful settlement of the conflict, President Aquino promulgated EO No. 276 to further amend RA No. 1700, as amended, to make them more practical,

timely, and efficacious. Again, it did not however address the Act's doubtful constitutionality. Section 2 of RA No. 1700, as amended by EO No. 276 reads as follows:

The Congress hereby declares the Communist Party of the Philippines to be an organized conspiracy to overthrow the government of the Republic of the Philippines by force, violence, deceit, subversion or other illegal means. The said party and any other organizations having the same purpose and their successor are hereby declared illegal and outlawed.

With the continuing effectivity of RA No. 1700, the fear raised by civil libertarians that in the effort to suppress subversion, the remedy chosen is of doubtful constitutionality and unduly hampers the people's exercise of the freedom of speech and association, and in relation to these rights, the right to dissent, remains true to this day.

For as long as RA No. 1700 is in our statute books, it is a sword of Damocles dangling above the head of every citizen who would quickly shun of the enjoyment of his fundamental rights if only to avert probable prosecution under the Anti-Subversion Act.

Regulation in this case partakes of the nature of oppression. Such is the chilling effect of RA No. 1700 on the freedom of expression and the right of association.

It is timely therefore that in his State of the Nation address last 27 July 1992, President Fidel V. Ramos himself urged this Congress to repeal RA No. 1700 so that the Communist Party of the Philippines and similar organizations will no longer be outlawed but allowed to compete freely, openly, and peacefully in the political, economic, and social arena.

Hence, this bill.

Contrary to the apprehensions of some quarters that the approval of the bill will only amount to a symbolic victory, I would like to think that the enactment of S.B. No. 508 will bring two-fold benefits at the very least.

First, the approval of the bill will remove a major obstacle in the full exercise of constitutional freedoms enshrined in the Constitution.

The dark shadow of RA No. 1700 fell squarely across the lives of all, communist and noncommunist alike. At the time of its first enactment, communist was perceived danger to our national existence. Nonetheless, the remedies to ward off such menace must not be repugnant to our Constitution. The apprehension justly felt is no license for discarding fundamental guarantees. Vigilant we have to be, but not at the expense of our fundamental freedoms.

One of them certainly is the right to dissent. One can differ, even object, one can express dissatisfaction with things

as they are. There are times when one not only can but must. Such dissent can take the form of the most critical and disparaging remarks. They may give offense to those who wield power and influence. Nevertheless, dissenters are entitled to constitutional protection. Even those who oppose a democratic system of government cannot be silenced. Any citizen may dissent without fear that he incurs penal sanction. That is the essence of freedom of expression.

Secondly, the removal of RA No. 1700, as amended from our statute books, will abrogate the justification for warrantless arrests.

In point is the aberrant case of *Roberto Umil, et al. vs. Fidel V. Ramos* and companion cases (GR. No. 84581-82, 3 October 1991). In upholding the warrantless arrest of suspected members of the NPA, the majority decision cited *Garcia vs. Enrile* which rules that subversion, like rebellion, is a continuing offense.

"Given the ideological content," the decision went on, "of membership in the CPP/NPA which includes armed struggle for the overthrow of organized government, the petitioner (Dural) did not cease to be, or become less of a subversion, for purposes of arrest, simply because he was at the time of arrest, confined in St. Agnes Hospital."

Since subversion is characterized as a continuing offense, a subversive by knowingly affiliating himself with the Communist Party may be arrested even if he has not committed an overt act in overthrowing the government.

In so resolving, the case of *Umil vs. Ramos*, the majority decision gave a very liberal interpretation on warrantless arrest as provided in Sec. 5 (b) Rule 113, 1985 Rules on Criminal Procedure, thereby nullifying the constitutional guarantee against warrantless arrest.

"The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized." (Const., Article III, Sec. 2).

We hope that the passage of Senate Bill No. 508 will finally do away with warrantless arrests. With your support this can be done.

What is more, there are existing laws that provide for the prosecution of overt acts in violation of valid laws but withhold any power to punish people for nothing more than the advocacy of their views.

It may not be amiss to point out, Mr. President, that on 24 October 1992, Congress approved RA No. 6968. Aside

from punishing the crime of coup d'etat, prescribes more severe penalties for rebellion, insurrection or coup d'etat.

Article 135. Penalty for rebellion, insurrection or coup d'etat. - Any person who promotes, maintains, or heads a rebellion or insurrection shall suffer the penalty of *reclusion perpetua*.

Any person merely participating or executing the command of others in rebellion or insurrection shall suffer the penalty of *reclusion temporal*.

Any person who leads or in any manner directs or commands others to undertake a coup d'etat shall suffer the penalty of *reclusion perpetua*.

Any person in the government service who participates, or in any manner supports, finances, abets or aids in undertaking a coup d'etat shall suffer the penalty of *prision mayor* in its maximum period.

"When the rebellion, insurrection, or coup d'etat shall be under the command of unknown leaders, any person who in fact directed the others, spoke for them, signed receipts and other documents issued in their name, or performed similar acts, on behalf of such insurrection, or coup d'etat."

Thus, the former disproportionate penalties then provided for rebellion in the Revised Penal Code — *prision mayor* — and the present Anti-Subversion Act, has been addressed by the last Congress, thus strengthening our view that RA No. 1700 be stricken off statute books.

Senate Bill No. 508 once approved will operate as an express total repeal of RA No. 1700. Thus, it will deprive the court of the jurisdiction to punish persons charged with its violation prior to its repeal. Once RA No. 1700 is repealed, the crime no longer exists, prosecution of the person charged under it cannot be had and the action should be dismissed.

The reason for this is that the repeal of a penal law without qualification is a legislative act of rendering legal what is previously decreed as illegal, so that the person who committed it is as if he never committed an offense. This is recognized in Article 22 of the Revised Penal Code.

"Penal laws shall have retroactive effect insofar as they favor the person guilty of felony, who is not a habitual criminal, as this term is defined in Rule 5 of Article 62 of this Code, although at the time of the publication of such laws a final sentence has been pronounced and the convict is serving the same."

The beneficent effects of the repeal of RA No. 1700 as amended applies in any of the three situations:

a. The crime has been committed and prosecution begins;

b. Sentence has been passed but service has not begun; and

c. The sentence is being carried. In any case, the repeal of RA No. 1700 will increase confidence on the part of the CPP-NPA in the sincerity of the government to achieve national reconciliation and to begin in earnest the peace process.

The Anti-Subversion Act was an instrument of repression during the dictatorship. Because of it, many courageous fighters had perished or languished in various places of detention all over the country. It is unfortunate that it has remained in our statute books after the apparatus of the dictatorship has been dismantled. It is an anachronism in the broad democratic space that obtains today. We must, as we now, strike it down.

But the repeal of RA No. 1700 should be but a beginning of a comprehensive program of reform that will address the long-festering iniquities in our society. For the best antidote to subversive propaganda is the propaganda of the deed. What the communists promise, this government should fulfill. Sound economic measures shall be taken up to alleviate the condition of our countrymen who live in destitution and misery. What is important is that the marginalized sectors of society are not denied the opportunity for a better life.

That is my creed. This is why we must remain faithful to our democratic traditions and the rule of law.

For these reasons, we urge and implore our colleagues to approve Senate Bill No. 508 as incorporated in Committee Report No. 3 of the Committees on Justice and Human Rights, Constitutional Amendments, Revisions of Codes and Laws, National Defense and Peace, Unification and Reconciliation.

Thank you.

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SUSPENSION OF CONSIDERATION  
OF SENATE BILL NO. 508

**Senator Romulo.** Mr. President, I move that we defer further consideration and interpellation of Committee Report No. 3 on Senate Bill No. 508 until this afternoon.

**The President.** Is there any objection to the said motion? [Silence] There being none, the motion is approved.

**Senator Romulo.** When we resume our session this afternoon, Senator Nikki Coseteng will deliver a privilege speech. After the privilege speech, we shall ask that this Bill be taken up again.

**The President.** So, what is the motion — to adjourn?

**Senator Romulo.** Mr. President, before I move for adjournment, I would like to state, as I stated earlier, that the proposed agenda for August 31 to September 3 or 4 have just been distributed.

These are the bill on the Department of Energy, including the bill authorizing the transfer of P5 billion from the Oil Price Stabilization Fund to the National Treasury;

We have the Condominium Act, expanding the concept of condominium and for other related purposes; and

We have the long term lease of private lands to foreign investors. And, of course, as we have already stated, the Anti-Subversion Act, which will be taken up this afternoon.

We have the retirement pay for private sectors, entitled

AN ACT AMENDING ARTICLE 287 OF PRESIDENTIAL DECREE NO. 442, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES BY PROVIDING RETIREMENT PAY TO QUALIFIED PRIVATE SECTOR EMPLOYEES IN THE ABSENCE OF ANY RETIREMENT PLAN IN THE ESTABLISHMENT.

We also have the bill on the Legislative-Executive Development Council constituting the Legislative-Executive Development Council, providing funds and for other purposes;

We also have the bill creating the Criminal Tax Courts;

We have also another bill, entitled

AN ACT AMENDING CERTAIN SECTIONS OF CHAPTER 11, TITLE II OF THE NATIONAL INTERNAL REVENUE CODE FOR TAX VIOLATORS.

We have Senate Bill No. 680, increasing the minimum wage of househelpers, amending for the purpose Article 143 of Presidential Decree No. 142;

We have the Log Ban Bill, Mr. President, Senate Bill No. 289; we have the Ninoy Aquino Day Bill, Senate Bill No. 687; and we have the Large Taxpayers Unit in BIR, Senate Bill No. 35.

Some of these bills are in the process of being filed, Mr. President, as they have gone the rounds and we have affixed our signatures or our reservations.



**REPUBLIC OF THE PHILIPPINES  
CONGRESS OF THE PHILIPPINES  
SENATE**

# **Record of the Senate**

**FIRST REGULAR SESSION  
JULY 27 TO OCTOBER 14, 1992**

**VOLUME I, NOS. 1-28**

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NO. 1**

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**SECRETARY ANACLETO D. BADOY, JR.**

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existence of PD No. 1866 just provides an opportunity for abuse, for arrest without bail. And without the right to bail, it looks just like merely a ploy to keep in prison these people who are suspected to have ideological beliefs other than that held by those in authority.

Anyway, Mr. President, that being clarified, I will just support the measure that seeks to repeal PD No. 1866.

Thank you very much.

**Senator Lina.** Thank you. We will conduct immediately the necessary hearings on the repeal of PD No. 1866, Mr. President.

**The President.** Is PD No. 1735, entitled Imposing Additional Penalties for Rebellion, Insurrection, Sedition and Subversion Committed Within or Outside of the Philippine Territory, included in the enumeration of the presidential decrees expressly repealed under the Guingona Amendment?

**Senator Lina.** Not expressly mentioned, Mr. President. The decrees that were mentioned were PD Nos. 885, 1736, 1835 and 1975. However, PD No. 1735 is one of those PDs that were amended or codified into PD No. 1835. But there will be no harm if we include that PD. We have a catch-all phrase in the latter part of the amendment introduced by Senator Guingona.

**The President.** Yes, because the penalty under PD No. 1735 appears to be severe and apparently unconscionable. The penalty is, and I quote:

...shall suffer the penalty of forfeiture of his rights as a citizen of the Philippines, if he is a Philippine citizen, and confiscation of his property, real or personal, in favor of the State, in addition to the penalties prescribed for the offense under existing laws.

**Senator Lina.** That was amended by PD No. 1736, Mr. President.

**The President.** Yes, PD No. 1736.

**Senator Lina.** I am sorry. As I said, Mr. President, PD Nos. 1735, 1736 and 885, were all incorporated and codified in PD No. 1835.

In the enumeration, in effect, PD No. 1735 is included already.

**The President.** All right. There being no further amendment, the Majority Leader is recognized.

**Senator Romulo.** Mr. President, I move that we close the period of amendments.

**The President.** Is there any objection thereto? [Silence] There being none, the period of amendments is hereby closed.

**Senator Lina.** Mr. President, there are no more amendments.

**Senator Romulo.** No Committee amendments. No other amendments.

**Senator Lina.** First, the Committee amendments. We did not have any Committee amendments, so there was an individual amendment introduced, and we have already closed the period of amendments.

#### APPROVAL OF SENATE BILL NO. 508 ON SECOND READING, AS AMENDED

**Senator Romulo.** Mr. President, I move that we vote on Senate Bill No. 508, as amended, on Second Reading.

**The President.** We shall now vote on Senate Bill No. 508, as amended, and in consolidation with Senate Bill Nos. 510 and 587, on Second Reading.

As many as are in favor of the bill, as amended, will please say *Aye*. [Several Senators. *Aye*] As many as are against, will please say *Nay*. [Silence] The *Ayes* have it. Senate Bill No. 508, as amended, is approved on Second Reading.

**Senator Romulo.** Mr. President, may I just ask that the explanation of a yes vote of Senator Leticia Ramos Shahani be read by the Minority Leader.

**The President.** Is that intended to be counted during the voting, or is it merely for purposes of record in the sense that the good Lady Senator would have voted in favor were she personally present during the same?

**Senator Guingona.** Yes, Mr. President.

Her manifestation reads as follows:

Mr. President, I would like to congratulate the distinguished Chairman of the Committee on Constitutional Amendments, Revision of Codes and Laws for a job well done.

Also, I fully support the amendments introduced by the Honorable Minority Floor Leader.

President Fidel Valdez Ramos, in his State of the Nation address, asked Congress to repeal Republic Act No. 1700. He was not only performing a noble and historic act. He was also eloquently manifesting political will and initiative.

Let us now match the President's determination with courage by welcoming into the mainstream of our society those who opted for a clash of arms not battle of ideas. Let us now cut the last vestiges of Cold War years. Let us now work hand in hand, side by side, so that we may be able to grasp that realm of peace and progress that for so long has eluded us.

I vote *Yes*. Thank you, Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Romulo.** Mr. President, in accordance with the Constitution and the Rules, the Third Reading bills shall be submitted to final vote by *ayes* and *nays* after printed copies thereof in final form have been distributed to the Members at least three days prior to their passage, except when the President of the Philippines certifies to the necessity of their immediate enactment to meet a public calamity or emergency, in which case the voting on Third Reading may take place immediately after Second Reading.

Last night, we were advised that Malacañang is preparing this certification as to the necessity of the immediate enactment to meet an emergency. And therefore, as soon as we receive that certification, we would be ready to vote on Third Reading.

At any rate, Mr. President, if we do not receive that, then we can start counting on the three days prior to the passage of this important bill on Third Reading.

**Senator Lina.** Mr. President.

**The President.** The distinguished Sponsor, Senator Lina, is recognized.

**MANIFESTATION OF SENATOR LINA  
(Senators Guingona, Coseteng, Shahani, Romulo  
and Herrera as Coauthors of Senate Bill No. 508)**

**Senator Lina.** Mr. President, I would like to manifest that Senators Guingona, Coseteng, Shahani, Romulo, and Herrera are also coauthors of this important bill.

**The President.** Make that manifestation of record.

**BILL ON SECOND READING  
Senate Bill No. 132 — Retirement Benefits to Private  
Sector Employees**

**Senator Romulo.** Mr. President, since we still have 15 minutes, I move that we consider Senate Bill No. 132 as reported out under Committee Report No. 4.

**The President.** Consideration of Senate Bill No. 132 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the *Record* the whole text thereof.

**The Secretary.** Senate Bill No. 132, entitled

**AN ACT AMENDING ARTICLE 287 OF PRESIDENTIAL DECREE NO. 442, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, BY PROVIDING FOR RETIREMENT PAY TO QUALIFIED PRIVATE SECTOR EMPLOYEES IN THE ABSENCE OF ANY RETIREMENT PLAN IN THE ESTABLISHMENT.**

*The following is the full text of Senate Bill No. 132:*

**EXPLANATORY NOTE**

This Bill seeks to amend Article 287 of PD No. 442, as amended, otherwise known as the Labor Code of the Philippines, because it does not, by its own terminology or import, expressly grant retirement benefits.

When the Labor Code in 1974 came into effect, retirement pay has been granted to employees in the private sector when they reach the age of sixty (60) years. This has been the rule observed by the employers pursuant to the implementing regulations of the Labor Code, particularly where there is no applicable collective agreement or retirement plan providing for retirement pay.

At present, however, the benefit of retirement pay is no longer available where there is no collective agreement thereon or any retirement plan. This is so because in a decision of the Supreme Court (*Llora Motors v. Drilon and NLRC, et al., G. R. No. 82895, 7 Nov. 1989*) it was held that the grant of such benefit under the rules of the Labor Code is not supported by any express provision of the Labor Code itself. In short, there is no statutory basis for the grant of retirement benefit for employees reaching the age of 60 years.

Many employers have not been adopting any retirement plans considering that the now nullified implementing regulations of the Labor Code used to take care of the grant of retirement pay of employees in the private sector who reach the age of 60 years. With the nullification, there is no longer any legal compulsion to give retirement benefits to qualified employees.

The Bill seeks to restore the benefit under the nullified implementing rules of the Labor Code.



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**The *Record of the Senate* is an official publication of the Senate of the Congress of the Philippines and is prepared and printed by the Debate Reporters Division, the Legislative Publications Staff under the supervision of the Director for Legislative Services and the Secretary of the Senate, with offices at the Fourth Floor, Executive House Bldg., P. Burgos Street, Manila.**

## RECORD OF THE SENATE

FRIDAY, SEPTEMBER 4, 1992

### OPENING OF THE SESSION

At 10:25 a.m., the Honorable Neptali A. Gonzales, President of the Senate, called the session to order.

The President. Binubuksan ang ikalabinsiyam na araw na sesyon ng Senado.

Inaanyayahan ang lahat na tumindig, at tayo ay pangugunahan sa panalangin ni Senador Vicente C. Sotto III.

Everybody rose for the opening prayer.

### PRAYER

Senator Sotto.

We humble ourselves before Your Divine Presence O, Lord, and bow our heads in sublime supplication for Your mercy, beseeching that You forgive us for our repeated transgressions of Your Divine Law.

We praise and thank You, Lord, for the countless blessings You have showered us in the past.

We praise and thank You for including in Your grand design of the vast universe, the creation of the chain of islands which we call our home.

We praise and thank You for the abundance of natural resources of these islands And for the Filipino people who inhabit them.

As we venture forward in search of our rightful place under the sun, Lord, we lift up to You our leaders that they may steer our ship of state to surge through the stormy and troubled waters of our times.

Finally, Lord, we lift up to You the men and women of this august Chamber that as we work together today, You will allow concord to prevail in our hearts over discord, and rapport over rancor.

All these we ask in the Name of Your Son and our Savior Jesus Christ.

Amen.

### ROLL CALL

The President. The Secretary will please call the roll.

The Secretary.

Senator Heherson T. Alvarez .....	Present
Senator Edgardo J. Angara .....	Present*
Senator Agapito A. Aquino .....	Present
Senator Rodolfo G. Biazon .....	Present*
Senator Anna Dominique M. L. Coseteng ..	**
Senator Teofisto T. Guingona, Jr.....	Present
Senator Ernesto F. Herrera.....	Present*
Senator Jose D. Lina, Jr. ....	Present
Senator Gloria Macapagal-Arroyo .....	Present
Senator Ernesto M. Maceda .....	Present
Senator Orlando S. Mercado .....	Present
Senator Blas F. Ople .....	Present
Senator John H. Osmefia .....	Present
Senator Santanina T. Rasul .....	Present*
Senator Ramon B. Revilla .....	**
Senator Raul S. Roco .....	Present
Senator Alberto G. Romulo .....	Present
Senator Leticia R. Shahani .....	Present
Senator Vicente C. Sotto III.....	Present
Senator Wigberto E. Tañada .....	Present
Senator Francisco S. Tatad .....	Present
Senator Arturo M. Tolentino .....	Present
Senator Freddie N. Webb .....	Present*
The President .....	Present

The President. Seventeen Senators having answered the roll call; the Chair declares the existence of a quorum.

Senator Romulo. Mr. President.

The President. The Majority Leader is recognized.

Senator Romulo. May I move that we suspend or defer consideration of the *Journal* of the previous session, Mr. President.

The President. Is there any objection to this motion? [Silence] The Chair hears none; the motion is approved.

The Secretary will now proceed with the reading of the Order of Business.

### REFERENCE OF BUSINESS

#### MESSAGE OF THE PRESIDENT OF THE PHILIPPINES

The Secretary.

August 24, 1992

Honorable Neptali A. Gonzales  
Senate President  
Senate of the Philippines  
Executive House, Manila

\* Arrived after the roll call  
\*\*On official mission

Dear Senate President Gonzales:

I have the honor to certify Senate Bill No. 262, entitled

**AN ACT DECLARING FOR COMPELLING REASONS OF PUBLIC POLICY, AND IN THE INTEREST OF NATIONAL SECURITY, PUBLIC ORDER AND SAFETY, CERTAIN CRIMES AS HEINOUS CRIMES WITHIN THE MEANING OF SECTION NINETEEN PARAGRAPH ONE, OF ARTICLE III OF THE CONSTITUTION, AND PROVIDING PENALTIES THEREFOR,**

as a priority administration measure.

In addition to the offenses enumerated in subject bill, however, I wish to recommend that the crimes of "Plunder" as defined in R.A. No. 7080, and "Rebellion" as defined in Article 134 of the Revised Penal Code, be included among the "heinous crimes" for which the death penalty may be imposed. The rationale for this is that these two types of offenders — the plunderers and rebels of our society — have always been the two main causes of our country's poverty and underdevelopment. Hence, they should be the very first in our enumeration of criminals to be accorded the death penalty — considering the "heinous" damage that they do to our country as a whole. Moreover, since the Communist Party of the Philippines and similar subversive organization would already be legalized and amnesty/pardon granted to all rebels/political detainees, there would no longer be any philosophical/moral justification for taking up arms against the State — as the existing structure of the government would then provide for peaceful and orderly change, to paraphrase Chief Justice Vinson in the ruling case of *Dennis vs. United States* (341 U.S. 394).

Best regards.

Very truly yours,

(Sgd.) Fidel V. Ramos

**The President.** Referred to the Committee on Constitutional Amendments, Revision of Codes and Laws.

#### BILLS ON FIRST READING

**The Secretary.** Senate Bill No. 718, entitled

**AN ACT TO STRENGTHEN THE PAROLE SYSTEM AND AMENDING FOR THAT PURPOSE SECTION 5 OF ACT NO. 4103, AS AMENDED, THE INDETERMINATE SENTENCE LAW.**

Introduced by Senator Lina, Jr.

**The President.** Referred to the Committees on Constitutional Amendments, Revision of Codes and Laws; and Justice and Human Rights.

**The Secretary.** Senate Bill No. 719, entitled

**AN ACT FIXING THE RATES OF INTEREST UPON LOANS AND FOREBEARANCES BY AMENDING CERTAIN SECTIONS OF ACT NUMBERED TWENTY-SIX HUNDRED AND FIFTY-FIVE, AS AMENDED.**

Introduced by Senator Sotto III.

**The President.** Referred to the Committee on Banks, Financial Institutions and Currencies.

**The Secretary.** Senate Bill No. 720, entitled

**AN ACT AMENDING SECTION 1 OF PD NO. 1759 (PENALIZING CONTRACTORS AND SUBCONTRACTORS WHO VIOLATE ANY MATERIAL PROVISIONS OF CONTRACTS INVOLVING PUBLIC WORKS PROJECTS OF THE GOVERNMENT, AND PUBLIC OFFICIALS WHO ALLOW SUCH VIOLATIONS), AND FOR OTHER PURPOSES.**

Introduced by Senator Revilla.

**The President.** Referred to the Committee on Public Works.

**The Secretary.** Senate Bill No. 721, entitled

**AN ACT TO PROHIBIT ANY PERSON ENGAGED IN THE BUSINESS OF FINANCING THE PURCHASE OF, OR OF LENDING MONEY ON THE SECURITY OF REAL OR PERSONAL PROPERTY, FROM REQUIRING THE BORROWER OR PURCHASER TO PLACE AN INSURANCE COVER ON SUCH PROPERTY WITH A PARTICULAR INSURANCE AGENT OR BROKER, OR FROM AN AFFILIATED INSURER OR INTERMEDIARY DESIGNATED BY SUCH PERSON, AS A CONDITION TO THE APPROVAL OF THE APPLICATION FOR SUCH FINANCING AND IMPOSING HEAVY PENALTIES FOR ITS COMMISSION.**

Introduced by Senator Guingona, Jr.

**The President.** Referred to the Committee on Constitutional Amendments, Revision of Codes and Laws.



The Secretary. Senate Bill No. 722, entitled

AN ACT GIVING PREFERENCE TO OUT-OF-SCHOOL YOUTHS IN THE RECRUITMENT OF PERSONNEL FOR REFORESTATION PROJECTS, AND FOR OTHER PURPOSES.

Introduced by Senator Guingona, Jr.

The President. Referred to the Committee on Youth and Sports Development; and Natural Resources.

RESOLUTIONS

The Secretary. Proposed Senate Resolution No. 106, entitled

RESOLUTION DIRECTING THE APPROPRIATE COMMITTEE(S) TO LOOK INTO, REVIEW AND RECOMMEND APPROPRIATE LEGISLATION OR EXECUTIVE ISSUANCES WITH RESPECT TO THE IMPLEMENTATION OF R.A. NO. 6675, THE GENERICS ACT OF 1988 AND REVIEW ITS PROVISIONS PARTICULARLY THE SECTIONS TO WHICH THE PROFESSIONS RELATED TO MEDICINE AND DENTAL PRACTICE ARE REPORTEDLY OPPOSED AS ONEROUS AND UNFAIR TO MEDICAL AND DENTAL PRACTITIONERS.

Introduced by Senator Lina, Jr.

The President. Referred to the Committee on Health.

The Secretary. Proposed Senate Resolution No. 107, entitled

RESOLUTION TO AMEND FURTHER THE RULES OF THE SENATE, AS AMENDED, BY INSERTING A NEW SECTION ON INDIRECT INITIATIVE IN RULE XXI.

Introduced by Senator Roco.

The President. Referred to the Committee on Rules.

COMMITTEE REPORT

The Secretary. Committee Report No. 16, submitted by the Committee on Education, Arts and Culture on Senate Bill No. 498, introduced by Senator Osmeña, entitled

AN ACT AMENDING CERTAIN SECTIONS OF BATAS PAMBANSA BLG. 232 OTHERWISE KNOWN AS THE "EDUCATION ACT OF 1982,"

recommending its approval without amendment.

Sponsor: Senator Osmeña

The President. To the Calendar for Ordinary Business.

The Majority Leader is recognized.

Senator Romulo. Mr. President, there are no speakers for the Privilege Hour. So with the consent of this Chamber, I ask that we now proceed to the Calendar for Bills pending Third Reading.

BILL ON THIRD READING

Senate Bill No. 508 — Anti-Subversion Act

I move that we vote on Third Reading on Senate Bill No. 508. Copies of the bill were distributed to all Members of the Senate on September 1, 1992. So, in accordance with the Rules and the constitutional provision, we have met the required period for consideration of bills on Third Reading.

The President. Voting on Third Reading on Senate Bill No. 508 is now in order.

The Secretary will please read only the title of the bill, if there is no objection. [There was none.]

The Secretary. Senate Bill No. 508, entitled

AN ACT REPEALING REPUBLIC ACT NUMBERED 1700, AS AMENDED, OTHERWISE KNOWN AS THE "ANTI-SUBVERSION ACT."

The President. The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

The Secretary called the roll and the result of the voting was as follows:

YES - 19

Senator Alvarez  
 Senator Angara\*  
 Senator Aquino\*  
 Senator Gonzales  
 Senator Guingona\*  
 Senator Herrera  
 Senator Lina, Jr.\*  
 Senator Maceda\*  
 Senator Mercado\*  
 Senator Ople

Senator Osmeña  
 Senator Rasul  
 Senator Roco  
 Senator Romulo  
 Senator Shahani\*  
 Senator Sotto III  
 Senator Tañada  
 Senator Tatad\*  
 Senator Tolentino\*

\* With explanation of vote

NO - 0

ABSTENTION - 0

### RESULT OF THE VOTING

**The President.** With 19 affirmative votes, no negative vote, and no abstention, Senate Bill No. 508 is hereby approved on Third Reading.

### EXPLANATION OF VOTE OF SENATOR ANGARA

**Senator Angara.** Mr. President, I vote *Yes* to this bill with a reservation to submit a written explanation of my vote.

Thank you.

*The following is the written explanation of vote submitted by Senator Angara:*

Mr. President, it is a distinct honor and privilege to cast my vote affirmatively for Senate Bill No. 508, repealing Republic Act No. 1700 or the Anti-Subversion Act.

Republic Act No. 1700 which outlaws the Communist Party of the Philippines and other similar associations and penalizes membership therein, has outlived its relevance.

Indeed, the said Republic Act's repeal would be a historic moment for our country, when finally we have taken the bold, dramatic, and hopefully, the ultimate step towards ending the decades-long insurgency.

Truly, there could not have been a more opportune moment to pass this legislation which could be the key towards ending our ideological warfare and this is because we have recently witnessed the end of the Cold War era.

The Marxist movement has been rejected even in the very countries where it first took root — in the Soviet Union and the Eastern European countries like Poland, Hungary, Romania, Czechoslovakia and Yugoslavia. Communist East Germany has been incorporated into non-communist West Germany.

Even the People's Republic of China has veered away from the classical or traditional Maoist communist mold and has embarked on capitalist ventures. Vietnam, Cambodia and Laos likewise have been adopting capitalist practices in their dealings with the international community.

We are now in the Post-Cold War Era when the ideological battles of the past have been rendered irrelevant with the fall of the Berlin Wall and the collapse of communism.

With the said collapse, the Philippine Government has rightfully seized the initiative to offer the olive branch of peace to the Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF).

The communist insurgency has gone on long enough, since the founding of the old Partido Komunista Ng Pilipinas before the Second World War, and later in 1969, the emergence of the Maoist Communist Party of the Philippines and its armed component, the New People's Army. Thousands of our brother Filipinos from both sides of the ideological border had died. Tens of thousands more were injured or victimized by hamlettings, harassments, and the other evil effects of a cruel conflict.

In effect, Senate Bill No. 508 is a chance for a new beginning. It is a way to wipe the slate clean and for all Filipinos of all ideologies to join hands and become truly one nation in spirit again.

It is time to bury the quarrels of the past. The time has now come for us to ask our long-lost brothers to come back to the fold of the law and rejoin the mainstream of society.

In our drive for a status as a newly industrialized country or NIC, we would need the support and full cooperation of each and every Filipino. We cannot afford the enmity or non-cooperation of anyone.

It is my firm belief and definitely my most fervent prayer, that Senate Bill No. 508 would help usher an era of peace — and this is a longing which we, as a people, hope to see in our own lifetimes.

For all these reasons, I strongly vote in favor of Senate Bill No. 508, repealing Republic Act No. 1700 or the Anti-Subversion Act.

### EXPLANATION OF VOTE OF SENATOR AQUINO

**Senator Aquino.** I just want to insert into the *Record* the full text of my explanation of vote, Mr. President.

"The real and lasting victories are those of peace and not of war." That was once said by Ralph Waldo Emerson.

The repeal of RA No. 1700 would signal the government's sincere step to foster peace among our countrymen. I know that the insurgency problem will not be solved by the repeal of RA No. 1700 alone, but it will convey the message to the CPP, NPA, NDF members of this Body's determination to find solutions to the 23-year old insurgency problem.

Just the other day, this Representation accepted the role of custodian to Mr. Satur Ocampo, who was eventually released, as my own little contribution to the overall peace efforts.

Mahal na Pangulo, ako po ay sumasang-ayon sa pagpapawalang bisa ng RA No. 1700 upang magbigay ng makasaysayang hudyat sa buong sambayanan na ang tamang panahon ay ngayon para sa pambansang kapayapaan. Ang aking pagsang-ayon ay pagsang-ayon sa kapayapaan.

Salamat po.

#### EXPLANATION OF VOTE OF SENATOR GONZALES

The President. *Yes.*

#### EXPLANATION OF VOTE OF SENATOR GUINGONA

Senator Guingona. Mr. President, I vote *Yes*, with a reservation to file a written explanation of my vote.

*The following is the written explanation of vote of Senator Guingona:*

Mr. President, the repeal of RA No. 1700 is long overdue. Far from strengthening the nation's stability, it helped to divide the nation and exacerbate abuses of power.

We have introduced amendments to remove not only the law from the statute books, but also the Letters of Instructions, the issuances, the rules and regulations which often inordinately expanded the coverage of so-called subversive organizations and membership therein.

We trust that with this congressional act today, we close a dubious chapter in our nation's life that spawned so much misery amongst the citizenry.

#### EXPLANATION OF VOTE OF SENATOR HERRERA

Senator Herrera. Mr. President, I vote *Yes*.

#### EXPLANATION OF VOTE OF SENATOR MACEDA

Senator Maceda. *Yes*, Mr. President, with the same reservation to submit a written explanation of vote.

*The following is the written explanation of vote submitted by Senator Maceda:*

The legalization of the Communist Party of the Philippines (CPP) has been the clamor of many legislators and other public officials along with concerned intellectuals over the years. But, as though to prove our loyalty to the U.S. and other free world allies, we stubbornly refused as if

doing so would tarnish our image as "democracy's show window in Asia."

Such canine devotion would remain even after our capitalist friends including Mother America started having diplomatic and trade relations with communist nations as early as the late 1950s. And when the "co-existence" doctrine emerged to govern the super powers' relations, our government continued to outlaw communism in our country.

Thus we cut off any contact and communication or dialogue with the local communists, even if most of them were our countrymen. No wonder, communist insurgency has dragged on, remaining the longest — some 24 years threat to our security and stability, thereby stunting our economic growth. We have tried various means to overwhelm the outnumbered communists in our midst by force of arms as well as socio-economic development incentives.

I remember that as head of "Operations Central Luzon" in the late 1960s, we tried to halt their advance in Pampanga and other heavily tenanted provinces, spending millions of pesos, sweat and manhours. But, as we all know by now, such strategy against an outlawed enemy was not effective enough.

It took us decades to realize finally that communism as a political ideology is not to be avoided like the plague but confronted frontally, manfully. Actually Redism has become a passe ideology following the break-up of the U.S.S.R. and some other communist states in Europe. Hence, we feel that the local or homegrown Communist Party need no longer be feared. In the free market of ideas, the Reds among us should be allowed to compete in our electoral process. Our people are mature enough to choose for themselves what doctrine to espouse, who to trust.

Therefore, like most, if not all, of our Senate Colleagues, I am for the repeal of Republic Act No. 1700 (Anti-Subversion Act). As International communism has lost its clout and credibility, as evidenced by the disenchantment of the people of the former Soviet Union and its satellites, we have to act accordingly, that is, legalize the Communist Party of the Philippines if only to erase the legal taboo on its existence here. But we must guard against the fundamental principle espoused by adherents of the communist doctrine, namely, the resort to violence and other illegal means to gain power. And since our Constitution frowns on the use of any violent means, legalizing such an ideology will certainly discourage its adherents to violate our fundamental law or suffer the consequences.

#### EXPLANATION OF VOTE OF SENATOR MERCADO

Senator Mercado. Mr. President, may I be given a few minutes to explain my vote.

The President. Yes, please.

Senator Mercado. Mr. President, it is with mixed feelings that I vote on this measure. I remember I was a freshman in the University of the Philippines when I joined two organizations: the Student Cultural Association of the University of the Philippines and the Kabataang Makabayan or Nationalist Youth Organization. These were the nationalist organizations in the campus then.

I distinctly remember that it was on November 30, 1963 when we held the founding congress for the KM. Our guest speaker then was the Honorable Senator Lorenzo Tañada. I did not know at that time that my joining these two organizations would cause me a lot of trouble later in my life.

I later became an active student leader, both as a member of the student council, and a member of the central committee of the KM. All of these activities were public.

After the August 21, 1971 bombing of Plaza Miranda, the Marcos administration announced the arrest of several journalists. They came up with a national target list which had my name in it.

Subsequently, I was charged with violation of Republic Act No. 1700 as one of the alleged leaders of the rebellion. The government alleged that as an officer of the Kabataang Makabayan I was a subversive. I have never denied memberships in the said organizations. I do not deny that I demonstrated in the streets and fought hard for what I believe in. In fact, I am a veteran of many demonstrations in front of this Hall and in front of the American Embassy.

And after we were charged in the case *People vs. Luzvimindo David, et al.*, where I was ably defended by a young and competent lawyer by the name of Wigberto Tañada, I had to go into hiding and subsequently, was incarcerated for nine and a half months in Fort Bonifacio. I was thereafter conditionally released.

The charge was not dropped. I had great difficulty getting a job as a broadcaster. I asked the military for clearance in 1974 to be able to work in radio and television. I was not given clearance because the intelligence service of the AFP asserted that there were pending charges of subversion against me, and I could not be given permission to work.

It was a very difficult year, Mr. President. I could not find any job other than teaching in the universities.

It was only after I was able to convince the Office of Civil Relations headed by then Colonels Andaya, Templo, and Isleta, that I should be given a clearance. And I told them this was the job I knew best, and it would be unfair to shut me out.

But, over and above the objection of the intelligence community, they guaranteed my return to radio and television, on the condition that I do not speak nor comment on anything political or economic. I mentioned to them that I was going to appear in a public service television program called *Kapwa Ko, Mahal Ko*, and was not going to discuss anything political.

The subversion charges were not dropped. In 1979, hearings were started again on this case. And like the sword of Damocles, I could not even pursue my career in peace because of this law, Republic Act No. 1700. It was only when I went to a friend, then Press Secretary Francisco "Kit" Tatad, that things changed. Through his intercession, the case against me was finally dropped *nolle prosequi* in 1979.

But, as we know, Mr. President, that record of being a member of an alleged communist front organization was never expunged from the records of the NICA and the military establishment.

In 1988, when General Canieso came up with a list of so-called leftists in the government, my name came up again, and the same information with regard to my being an officer of the Kabataang Makabayan was brought to the fore.

What was my crime? My crime was believing in a philosophy, an ideology, and form of government that was not in conformity with the government's. I did not take up arms against the government.

It is not only for this personal reason but in behalf of all those who have suffered under the previous governments because of this law, RA No. 1700, that I am voting against it. I am voting for the repeal of the Anti-Subversion Law because I believe there should have never been an Anti-Subversion Law in the first place.

The law condemns those personalities they have already marked as subversives, without going through a trial. The law punishes political dissent, without even the rudiments of due process. And, yet, this harsh and unjust instrument of political repression in its decades-old existence, has never even dented the movement that it sought to bring to an end.

Today, while we are pursuing peace initiatives, that movement, that insurgency, even if it is weakened, still lives on, and is serious enough to present the government with a conflict that they have to deal with head-on.

This law that we are about to repeal did not kill that movement. To my mind, it may have even strengthened it.

There are other laws we should repeal. PD No. 1866, which I have mentioned previously, penalizes illegal possession of

firearms in furtherance of subversion. This PD has never deterred guerillas from carrying out their revolutionary violence.

RA No. 1700, as amended, as well as all other laws enacted under the Marcos dictatorship, was tailor-made to kill the movement, but has, in fact, accomplished more for the movement than the underground leaders may have accomplished.

This law and the repressive decrees of Marcos became the *raison d'etre* of the Communist Party, the New People's Army and the National Democratic Front to remain underground. The repression clothed them with the mystic of resistance so vital to a revolutionary movement that could not otherwise have adherence in open and peaceful political struggle. But we never learn.

Unfortunately, the past administration resurrected the Anti-Subversion Law from the grave. The previous government even increased the penalty for subversion notwithstanding the fact that the 1987 Constitution clearly mandates that no person shall be imprisoned solely on the basis of his political beliefs. But that is what this law does. It sends men and women who believe in a different ideology to prison simply because their jailers do not share that belief.

Our Revised Penal Code has the legal armaments by which the government can defend itself. There is no need for this archaic and superfluous measure called the Anti-Subversion Law.

Mr. President, I believe this measure, repealing Republic Act No. 1700, will cast away the stumbling blocks in our search for peace. Now that peace is on the national agenda again, let us keep it there, and the first step certainly is to repeal Republic Act No. 1700.

I vote in favor of this measure, Mr. President.

#### EXPLANATION OF VOTE OF SENATOR ROMULO

Senator Romulo. Mr. President, I also vote *Yes*.

#### EXPLANATION OF VOTE OF SENATOR SHAHANI

Senator Shahani. Mr. President, I vote *Yes* for the repeal of Republic Act No. 1700. I think this is an initiative of this administration which deserves our support.

Whatever might be the shortcomings of the present version, I believe the transcendent historical significance of this bill must not be overlooked.

I believe, Mr. President, this is now the beginning of the road to unity of a society which has been divided for so long by the

Cold War and ideology which was brought to our shores from the outside world.

So I vote *Yes*, Mr. President.

#### EXPLANATION OF VOTE OF SENATOR TATAD

Senator Tatad. Mr. President, I vote *Yes* for the repeal of Republic Act No. 1700 and, with the kind permission of the Chair, I would like to compose a brief explanation of my vote.

Republic Act No. 1700 came to life at a particular time in our history when the government of the day thought that such a law was needed to contain and suppress an insurgency.

RA No. 1700 came to life during the Cold War when the particular philosophy of government entailed the use of force in order to suppress dissent. Now that era is over. The Cold War is gone. And I believe there is no other recourse for us, except to do away with the vestiges of the Cold War. Whether this country was helped by the regime of Republic Act No. 1700 is a question that many of our countrymen have long answered, and the answer to that question was no.

Today, we express our will behind that sentiment now hallowed into a conviction, and it is certainly a source of pleasure and satisfaction to see that the Senate and the Presidency are united in their will in putting an end to the regime of Republic Act No. 1700.

I believe the President of the Philippines deserves some credit for taking the initiative, in his inaugural address or in his State of the Nation address, in saying that he wanted to see the end of Republic Act No. 1700.

Mr. President, the repeal of Republic Act No. 1700 is a positive step, but it is a small step in our long journey to peace. I hope and pray that the political will that has been shown by both the Executive and the Legislative, or the Senate, in repealing this particular law will become even stronger in the days ahead, as we pursue the peace effort and tackle the more important issues that obstruct our way to peace.

Mr. President, having said those words, I end by saying, it is a great honor to vote *Yes* for the repeal of Republic Act No. 1700.

Thank you very much.

#### EXPLANATION OF VOTE OF SENATOR TOLENTINO

Senator Tolentino. Mr. President, may I briefly explain my vote.

Mr. President, I feel very happy to be able to vote *Yes* for the repeal of Republic Act No. 1700.

When this law was first approved by the Congress of the Philippines, at the insistence of then President Ramon Magsaysay, I had already expressed the view that this was unconstitutional and should not be approved by the Congress. But President Magsaysay was very popular, and practically got whatever he wanted from Congress. So, this bill was passed, under the sponsorship, I believe, of then Congressman Roces of Manila.

Mr. President, when this law, Republic Act No. 1700, was repealed later on by a presidential decree, I thought it would remain dead. However, it was revived by Executive Order No. 167 in 1987, and so, it is still with us today.

I feel very glad that the present administration has taken steps for the repeal of this law so that it may be removed from our statute books, because it is a law that is onerous, in the sense that, to me, it reverses the presumption of innocence in criminal cases, when it established that the Communist Party of the Philippines and similar organizations are already, by law, declared illegal, with a finding or a fact that should have been based after judicial inquiry in a court of law.

And so we take actually a historic step in the field of law when we repeal Republic Act No. 1700, as revived by Executive Order No. 167 of 1987.

However, I would like to correct some misimpression that has appeared in the press and over radio and television. I have read and heard statements to the effect that the repeal of Republic Act No. 1700, as revived by Executive Order No. 167, legalizes by itself the Communist Party of the Philippines and similar organizations.

It became clear during the debates on this measure here that that is not the effect of the repeal of this law. It simply abolishes a law that places a stigma or a criminal label on the mere adherence to the Communist Party of the Philippines.

But the CPP, if it still adheres to its platform or objective of overthrowing the government by force or violence or by any other means contrary to law, would still remain an illegal association under the Revised Penal Code. The only effect of the repeal of RA No. 1700 would be to place upon the prosecution the burden of proving that the CPP and similar organizations seek to overthrow the government through violent or unlawful means. But it does not *ipso facto*, or by itself, legalizes the Communist Party.

Mr. President, with this very big change that is going to be brought about by the repeal of RA No. 1700, as revived by EO No. 167, I feel very happy that I can contribute my vote to bring about

again the rule of presumption of innocence in our judicial proceedings in cases of illegal association.

Again, I repeat, Mr. President, I vote *Yes* for this bill.

Senator Romulo. Mr. President.

The President. The Majority Leader is recognized.

Senator Romulo. Before we propose the constitution of the Members of the Senate panel in the Bicameral Conference Committee, may I be permitted to read the statement of Senator Nikki Coseteng, to wit:

September 1, 1992

To the Honorable Senate President:

This is to express my affirmative vote for the repeal of Republic Act No. 1700. I am a coauthor of Senate Bill No. 508. Please consider this as my final vote once this bill is called for Third Reading.

Thank you.

Sincerely yours,

Senator Nikki Coseteng

The President. The Chair likewise received a note to the effect that Senator Biazon is about five minutes away from the Session Hall and would want to register his vote.

These are nothing but manifestations of the Senators concerned that if they were present, these would have been their vote; but they are not counted in the determination of whether or not the bill under consideration has been approved.

CONFERENCE COMMITTEE  
ON SENATE BILL NO. 508/HOUSE BILL NO. 318  
(Designation of the Senate Panel to the Bicameral  
Conference Committee)

Senator Romulo. Mr. President, to constitute the Members of the Senate panel in the Bicameral Conference Committee, I have the honor to submit the names of the following: Senators Jose Lina, Raul Roco, Orlando Mercado, Leticia Ramos-Shahani, and Ernesto Maceda.

The President. Is there any objection to the motion? [*Silence*] The Chair hears none; the motion is approved.

Senator Romulo. Mr. President, before we suspend the session while waiting for the result of the Bicameral Conference

Committee, may I just manifest that we have Senators who have signified their desire to be coauthors of bills filed here since we opened the Congress and the Senate.

Therefore, may I be permitted to submit the names of the Senators with their request that they be made coauthors of the bills as indicated in the request.

**The President.** Is there any objection? [*Silence*] Hearing none, the request is granted.

**Senator Rasul.** Mr. President.

**The President.** Senator Rasul is recognized.

**MANIFESTATION OF SENATOR RASUL  
(The Minority Leader as Ex officio Member  
of the Conference Committee Senate Panel)**

**Senator Rasul.** Mr. President, I would like to make a manifestation.

In all the Conference Committee meetings we have had, the Minority Leader had always been an ex officio member of the Conference Committee. I would like to inquire whether this is true up to now or has there been any change in the Rules?

**The President.** The Majority Leader who is Chairman of the Committee on Rules is recognized.

**Senator Romulo.** Mr. President, before we nominated the membership in the bicameral Conference Committee in the Senate panel, we had consulted the Minority Leader.

**Senator Rasul.** Mr. President, do I take it that the Minority Leader is an ex officio member, in addition, of course, to the names which were mentioned earlier?

**Senator Romulo.** Mr. President, I move that the Minority Leader be also made a member of the Senate panel in the bicameral Conference Committee.

**Senator Rasul.** Thank you, Mr. President.

**The President.** Is there any objection? [*Silence*] There being none, the motion is approved.

**Senator Tañada.** Mr. President.

**The President.** The Gentleman from Quezon City, Quezon and —

**Senator Tañada.** Makati.

**The President.** — Makati is recognized.

**Senator Tañada.** May I manifest for the record, Mr. President, that Senator Tatad and Senator Mercado are my cosponsors in Proposed Senate Resolution No. 104.

**The President.** Let that be made of record.

**SUSPENSION OF THE SESSION**

**Senator Romulo.** Mr. President, in order that the Members of the Senate Panel in the bicameral Conference Committee can attend to the Conference Committee, may I ask that we suspend the session for two minutes.

**The President.** The session is suspended, if there is no objection. [*There was none.*]

*It was 11:00 a.m.*

**RESUMPTION OF THE SESSION**

*At 12:47 p.m., the session was resumed.*

**The President.** The session is resumed.

**Senator Romulo.** Mr. President.

**The President.** The Majority Leader is recognized.

**Senator Romulo.** Mr. President, we suspended the session so that the Members of the Senate panel to the Bicameral Conference Committee for the repeal of the Anti-Subversion Act, Republic Act No. 1700, could meet with their House counterpart. The Bicameral Conference Committee has already met. They have already agreed on the Conference Committee Report.

May I ask that we now recognize the Chairman of the Committee on Constitutional Amendments, Revision of Codes and Laws to make his report on the Bicameral Conference Committee Report on the part of the Senate.

**The President.** Before the Chair recognizes the distinguished Chairman of the Senate panel on the Bicameral Conference Committee on the disagreeing provisions of the Senate and the House bills repealing the Anti-Subversion Act, the Chair wishes to make of record that before our suspension of this morning's session, we received a written note from Senator Revilla, manifesting that if he were present — because he is indisposed right now — he would have voted in favor of Senate Bill No. 508 as well as of the Report of the Bicameral Conference Committee.

Earlier, we had also received the same manifestation from Senator Biazon, but I would rather have him make personally that manifestation.

Senator Biazon. Thank you, Mr. President. I cast my vote in the same manner as Senator Revilla has cast his.

Thank you very much.

Senator Romulo. Mr. President.

The President. Yes, the Majority Leader is recognized.

Senator Romulo. Mr. President, Senator Webb would also wish to make a manifestation.

The President. Senator Webb is recognized.

Senator Webb. Thank you, Mr. President. I also manifest an affirmative vote.

CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 508/HOUSE BILL NO. 318  
(Anti-Subversion Act)

The President. The Chairman of the Senate panel on the Bicameral Conference Committee on the disagreeing provisions of the Senate and the House bills regarding the repeal of Republic Act No. 1700, Senator Lina, is recognized.

SPONSORSHIP SPEECH OF SENATOR LINA

Senator Lina. Thank you, Mr. President. I have the pleasure to report to this Chamber the result of the meeting between the House panel and the Senate panel on the disagreeing provisions of Senate Bill No. 508 and House Bill No. 318.

The Conference Committee, met and after full and free conference has agreed to recommend the approval of the consolidated version of the two bills. This is a one-page document, and we took portions from the House bill, and consolidated them with the Senate bill. The proposed Act now will have four sections.

The consolidation itself is self-explanatory. There is a direct reference, Executive Order No. 167 as the law that revived Republic Act No. 1700, which was not present in the House bill. It is very clear also that this RA No. 1700, as revived by EO No. 167 has been amended by EO No. 276, and said RA No. 1700, as revived and as amended, is now totally obliterated from our penal statutes.

There is also a provision that we got from the House bill that the Act does not, in any manner, repeal, amend or modify the provisions of the Revised Penal Code.

The rest of the Act were taken from our Senate bill. So there is no discrepancy anymore between the two sections that have been incorporated into this consolidated bill being taken from the Senate version.

APPROVAL OF CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 508/HOUSE BILL NO. 318

I, therefore, move that this Conference Committee Report, Mr. President, be approved.

The President. There is a motion here to approve the Bicameral Conference Committee Report on the disagreeing provisions of the Senate and the House bills regarding the repeal of Republic Act No. 1700, otherwise known as the Anti-Subversion Law.

Is there any objection to the said motion? [Silence] The Chair hears none; the said Bicameral Conference Committee Report is hereby unanimously approved.

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*The following is the full text of the Conference Committee Report:*

The Conference Committee on the disagreeing provisions of Senate Bill No. 508, entitled

AN ACT REPEALING REPUBLIC ACT NUMBERED ONE THOUSAND SEVEN HUNDRED, AS AMENDED, OTHERWISE KNOWN AS THE "ANTI-SUBVERSION ACT"

and House Bill No. 318, entitled

AN ACT TO REPEAL REPUBLIC ACT NO. 1700, AS AMENDED, OTHERWISE KNOWN AS THE "ANTI-SUBVERSION LAW,"

having met and, after full and free conference, has agreed to recommend and do hereby recommend to their respective Houses that Senate Bill No. 508, in consolidation with House Bill No. 318, be approved. The consolidated bill will read in accordance with the attached copy.

CONFEREES ON THE PART OF  
THE HOUSE OF REPRESENTATIVES



(Sgd.) EDUARDO R. ERMITA

J. ROILO S. GOLEZ

(Sgd.) BERNARDO M. VERGARA

(Sgd.) ALFREDO AMOR E. ABUEG, JR.

HERNANDO R. PEREZ

ROMEO D. CANDAZO

(Sgd.) CIRIACO R. ALFELOR, JR.

*CONFEREES ON THE PART OF  
THE SENATE*

(Sgd.) JOSE D. LINA, JR.

(Sgd.) RAUL S. ROCO

(Sgd.) ORLANDO S. MERCADO

(Sgd.) LETICIA RAMOS SHAHANI

(Sgd.) ERNESTO M. MACEDA

(Sgd.) TEOFISTO T. GUINGONA, JR.

**AN ACT REPEALING REPUBLIC ACT NUMBERED ONE THOUSAND SEVEN HUNDRED, AS AMENDED, OTHERWISE KNOWN AS THE "ANTI-SUBVERSION ACT"**

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress Assembled:*

SECTION 1. Republic Act Numbered One Thousand Seven Hundred (RA No. 1700), otherwise known as the "Anti-Subversion Act," as revived by Executive Order Numbered One Hundred Sixty-Seven (EO No. 167, and subsequently amended by Executive Order Numbered Two Hundred Seventy-Six (EO No. 276) is hereby repealed.

SEC. 2. This Act does not in any manner repeal, amend or modify the provisions of the Revised Penal Code.

SEC. 3. Presidential Decree Nos. 885, 1736, 1836 and 1975 remain repealed, and all other laws, presidential decrees, letters of instructions, and other issuances, orders, rules and regulations inconsistent with this Act are hereby likewise repealed.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

**MOTION OF SENATOR ROMULO  
(Membership of Senators in Various Committees)**

Senator Romulo. Mr. President, before we adjourn, may I ask that we approve the nomination of Members to two or three Committees.

The President. The Majority Leader may do so.

Senator Romulo. Mr. President, for the Ad Hoc Committee on Illegal Drugs, we submit for membership the names of Senators Sotto, Tatad, Aquino, Roco and Biazon.

The President. Is there any objection to the election of these Members? [Silence] There being none, the motion is approved.

Senator Romulo. For the Committee on Natural Resources, Mr. President, we submit for membership the names of Senators Coseteng and Mercado.

The President. Is there any objection to the motion? [Silence] There being none, the motion is approved.

Senator Romulo. Mr. President, for the Ethics and Privileges Committee, we have the honor to submit for membership the names of Senators Tatad, Ople, and Macapagal-Arroyo.

The President. Is there any objection to the motion? [Silence] The Chair hears none; the motion is approved.

Senator Romulo. Mr. President, we ask that we refer Senate Bill No. 289, entitled

**AN ACT TO PROTECT THE FOREST BY FIXING THE SPECIFIC LIMITS OF FORESTLANDS AND NON-FORESTLANDS, BANNING ALL COMMERCIAL LOGGING OPERATIONS, PROVIDING MECHANISMS FOR ITS EFFECTIVE IMPLEMENTATION, AND FOR OTHER PURPOSES,**

of the Committee on Natural Resources and Ecology.

The President. Is there any objection to this motion?

Senator Alvarez. Mr. President.

The President. Senator Alvarez is recognized.

Senator Alvarez. Is this the bill setting the boundary lines of forest zones, Mr. President?

**Senator Romulo.** "...SPECIFIC LIMITS OF FOREST LANDS AND NON-FOREST LANDS, BANNING ALL COMMERCIAL LOGGING OPERATIONS, PROVIDING MECHANISMS FOR ITS EFFECTIVE IMPLEMENTATION." That is the title of the bill, Mr. President.

**Senator Alvarez.** Yes, Mr. President. This is almost an integral part of the much-debated bill on selective or total logging. So this is an environment question. Principally, this should be within the purview of the Committee on Environment.

We have no objection if it should be referred to both the Committees on Environment and Natural Resources.

**MOTION OF SENATOR ROMULO  
(Referral of Senate Bill No. 289 to the Natural Resources  
and Energy and Environment Committees)**

**Senator Romulo.** Mr. President, we withdraw the previous

motion; instead, we ask that in lieu of the Committee on Natural Resources and Ecology, this bill be referred to the Committees on Natural Resources; and Energy and Environment.

**The President.** All right. Is there any objection? [Silence] There being none, the motion is approved.

**ADJOURNMENT OF THE SESSION**

**Senator Romulo.** Mr. President, since there are no other matters to be taken in today's session, I ask that we adjourn the session until September 28, 1992, at three o'clock in the afternoon.

**The President.** Is there any objection to this motion? [Silence] The Chair hears none; therefore, the session is adjourned until three o'clock in the afternoon of September 28, 1992.

*It was 12:57 p.m.*